

MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, March 7, 2000
Tuesday, 9:05 A.M.

The City Council met in regular session with Mayor Knight in the Chair. Council Members Cole, Lambke, Martz, Pisciotte, Rogers; present. *Council Member Gale; absent.

Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; Patsy Ellis, Deputy City Clerk; present.

The invocation was given by Rev. Terri Messner, WSU Campus Minister, Ecumenical Christian Ministries.

Minutes of the February 15, 2000, City Council meeting were approved 6 to 0. (Gale absent)

AWARDS AND PRESENTATIONS

*Council Member Gale Present

JUDGE OATH

The Oath of Office for Municipal Court Judge was given to Bruce Brown by Municipal Court Administrative Judge Julie Wright-Connolly.

YOUTH SERVICE

Youth Promise Community Service Awards were presented.

FIRE RECOGNITION

Recognition Certificates and Medallions for life saving in an apartment fire were presented to Terry Kloppenberg, Dave Powell, Tim Ridder, and Fire Chief Larry Garcia.

PROCLAMATIONS

Proclamations previously approved were presented.

PUBLIC AGENDA

Comments by Denise Maus - Fluoridation.

Denise Maus

Denise Maus, registered dental hygienist, spoke in favor of fluoridation.

Comments by Courtenay Kleine - Fluoridation.

Courtenay Kleine

Courtenay Kleine, registered nurse, spoke in favor of fluoridation.

UNFINISHED BUSINESS

Z-3339

Z-3339 - ZONE CHANGE REQUEST FROM "SF-6" SINGLE-FAMILY RESIDENTIAL TO "MH" MANUFACTURED HOME, LOCATED WEST OF MERIDIAN AND NORTH OF 55TH STREET SOUTH. (District IV)

Chris Cherches

City Manager reviewed the Item.

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Agenda Report No. 99-1208 A.

MAPC Recommendation: Approve, subject to conditions (5-4).

Staff Recommendation: Deny.

CPO Recommendation: Deny (October 29, 1999).

The applicant requests MH, Manufactured Home zoning on 37 acres located ¼ mile west of Meridian and ¼ mile north of 55th Street South in order to develop a manufactured home park. The land is currently undeveloped and zoned SF-6, Single-family Residential.

The applicant's site plan depicts 136 spaces (3.67 units per acre). All streets within the park are proposed to be 29 foot wide, back of curb to back of curb private streets. Primary access to the site is proposed to be off of Meridian, via a 29-foot wide private street that is proposed to be part of the platted addition, Southborough Estates, now known as a Welcome Home Community, a manufactured home park. (At the time this report was prepared, the Welcome Home site plan had not been approved.) The applicants propose one other point of access north to 47th Street North, but it is to be "emergency access only." This access point would require a bridge to be built across the drainage ditch to connect to Mt. Carmel, which winds through the Stonebriar Addition, a site built residential development.

Area set-aside for open space, walking paths and a storm shelter are depicted on the site plan. The code requires a sidewalk on one side of all loop streets serving more than 48 lots, or permits the applicant to propose an alternate sidewalk plan. If the sidewalks, as proposed comply with Americans with Disability Act (ADA) standards, there are three lots in the northeast sector of the park that are not located within the code required 1,320 feet of the storm shelter. The storm shelter could be moved northeasterly and probably get the lots within the required distance. If the sidewalk is not ADA compliant, then there are three additional lots on the east-side of the park that are not within 1,320 feet as measured off of an ADA compliant pathway. Off-street parking spaces are provided as required for 29-foot wide streets. A sizeable drainage ditch exists along the north and east property line. The southwest corner of the property is a low area that is heavily treed.

Surrounding land is developed / developing with: site built homes (SF-6, Single-family Residential); vacant (SF-20, Single-family Residential); manufactured home park (MH, Manufactured); and large-lot residential (SF-20, Single-family Residential) uses. A significant drainage ditch, 15 to 20 feet deep and 40 to 50 feet wide, exists along the north and east property line. The ditch is heavily wooded.

The MAPC considered this case on October 28th, 1999, and recommended denial based on findings presented in the staff report. The applicant indicated they made the request for Manufactured Home zoning for two reasons related to potential limitations on sewer service. The applicant indicated that the existing sewer lift station provides service to 47th Street is at capacity, and would require improvements. They also indicated that the sewer line in Meridian may not be deep enough to provide service to their site without installation of another lift station. Therefore, they thought zoning for manufactured homes, which would not have basements, would be an appropriate request. There were adjoining property owners who spoke about drainage concerns.

At the direction of the City Council, the MAPC re-heard this case on February 10, 2000. This case was referred back to the Planning Commission to address drainage and sewer service. The Commission focused primarily on the drainage question. By a five to four vote the Commission recommended approval. The applicant showed a video taken of the application area and adjoining site-built and manufactured home additions. The applicant's drainage specialists discussed 100-year flood elevations and the amount of fill necessary to met those elevations. An adjoining property owner spoke re-stating his concern over-drainage in the area and his desire to see that something be done to minimize future flooding.

Marvin Krout Director of planning, responding to a question, stated that the property would be platted as one lot, and would be like a typical mobile home park in that individual owners would own the buildings; the site will be owned and managed by one individual and leased to individuals.

Mayor Knight Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Motion -- Gale moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the recommendation of the MAPC be approved, subject to the recommended conditions, and the Planning Department be instructed to forward the Ordinance for first reading when the plat is forwarded to the City Council. Motion carried 6 to 1. Lambke - No.

-- carried

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Z-3349 & CU 551

Z-3349 - ZONE CHANGE FROM "MF-29" MULTI-FAMILY TO "LC" LIMITED COMMERCIAL; AND CU-551 - CONDITIONAL USE TO PERMIT A CAR WASH, LOCATED EAST OF MERIDIAN AND SOUTH OF ORIENT BOULEVARD. (District IV)

Chris Cherches

City Manager reviewed the Item.

Agenda Report No. 00-0062 A.

MAPC Recommendation: Approve, subject to conditions (8-2-1).

Staff Recommendation: Approve, subject to conditions.

The applicant is requesting a Conditional Use permit to allow a car wash to be located within 200 feet of residential zoning. The applicant is also seeking a zone change from "MF-29", Multi-Family Residential to "LC", Limited Commercial. A car wash is first permitted in the "LC" district with a Conditional Use. The application area is a one-acre platted tract of land located at the southeast corner of Meridian and Orient.

The site plan shows a seven-bay car wash. All seven of the car wash bays are depicted as self-service. These wash bays are located approximately 48 feet west of the east property line. The plan also depicts four vacuums located east of the wash bays, on the eastern property line. Fourteen parking spaces are also shown along the east property line. These parking spaces are to be used for drying or vacuuming. The facility would have one access to Orient, located 120 feet east of the intersection of Orient and Meridian; and one to Meridian, located 60 feet south of the intersection of Orient and Meridian.

The site plan indicates that the southern most 125 feet of the application area will not be used by the car wash. No use has been identified for this vacant strip at this point in time. The applicant had to buy the whole parcel and the code requires the 60-foot separation distance from residential zoning used for permitted uses. Single-family homes are located south and southeast of the applicant's ownership. To the east is located an Eagles Lodge, a baseball diamond and vacant land. Railroad tracks are located north of the site.

Key Unified Zoning Code car wash "supplementary use requirements" include: buildings to be located at least 35 feet from arterials and 20 feet from other street right-of-way; 60 from the lot line of any residentially zoned lot, unless the property is being used for a nonresidential use permitted by-right in the underlying district; fencing, a minimum of six feet in height shall be provided along the interior side and rear property line, when adjacent to a dwelling; all area utilized for washing or drying, including ingress and egress, shall be paved; lighting shall comply with lighting standards in the code; no string-type lighting shall be permitted and signage as per the sign code.

Compatibility setbacks are required along side and rear lot lines adjacent to property zoned TF-3 or more restrictive. The minimum setback is 15 feet plus one foot for each five feet of lot width over 50 feet, up to a maximum of 25 feet.

Landscaping will be required per the "landscape ordinance".

The project complies with compatibility setback and supplemental requirements. A screening fence will have to be built along the perimeter where the "LC" zoning is adjacent to residential zoning, part of the east and the south property lines; and landscaping will have to be provided.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Motion --

Gale moved that the request be denied for the following reasons:

1. The proposed use and zoning would not be in character with the general pattern of zoning on the east side of Meridian, which is residential except for the private club adjoining the site.
2. The noise, late hours, and trash generated by a carwash so near to residential uses would detrimental affect the neighborhood.
3. There are other opportunities to locate a carwash that would serve this general area that would have less impact including a site across Meridian that is already industrial zoned
4. This site was approved by the City Council for Neighborhood Retail zoning just over a year ago, based on recommendations from staff and supported by MAPC and CPO and accepted by the owner that this would be a more suitable classification that would still provide a variety of development prospects.

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5. The written protests that were submitted after the MAPC hearing, plus the testimony of nearby owners at the MAPC and CPO meetings, demonstrate substantial opposition of property owners in the surrounding neighborhood to this request.

-- carried

Motion carried 7 to 0.

NEW BUSINESS

IRB - CENTURY MFG

EXTENSION OF INDUSTRIAL REVENUE BOND TAX EXEMPTION – CENTURY MANUFACTURING, INC. (District II)

Chris Cherches

City Manager reviewed the Item.

Agenda Report No. 00-0195.

On March 1, 1994, Council approved issuance of Industrial Revenue Bonds in the amount of \$4 million to Century Manufacturing, Inc. In conjunction with the bond issue, City Council approved a 100% five-plus-five-year tax exemption on bond financed property. Bond proceeds were used to construct and equip a new manufacturing facility and corporate headquarters located at 3351 North Webb Road. On December 31, 1999, the initial five-year period for tax exemption expired. Century Manufacturing, Inc. requests City Council extend the tax exemption to include the second five years on bond-financed real property.

As a result of the bond issue and tax exemption, Century Manufacturing, Inc. committed to: undertake a corporate headquarters relocation; new construction headquarters project; purchase equipment worth \$667,000; and, create 50 new jobs within five years of the bond issue. A measure of Century Manufacturing, Inc.'s initial five-year project commitments and outcomes are as follows:

<u>1994 Commitment</u>	<u>December 31, 1999 Status</u>
? Construct new manufacturing space:	Completed 120,000 SF facility by December, 1996
? Purchase Manufacturing Equipment:	Purchased equipment worth over \$800,000
? Create 50 new jobs in five years:	Created 46 new jobs

Century Manufacturing reports openings sufficient to satisfy projected job creation, although some jobs are not filled due to difficulty in finding qualified employees. An aggressive employee recruitment program is being conducted at this time. Century Manufacturing made capital investment, separate from bond proceeds, in excess of \$503,000 in the 1994 project via cash reserve and commercial loans. Century Manufacturing, Inc.'s additional goal relating to the bond-financed project was an overall increase in sales. Century Manufacturing increased sales by more than 32% since 1994, and diversified its customer base.

In 1999, Century Manufacturing paid approximately \$6,300 in real and personal property taxes. Real property taxes exempted in 2000 are estimated to be \$85,298. Century Manufacturing is current in payments of administrative service fees.

Section 7.5 of the lease provides the City Council reserves the right to terminate the exemption at the end of the first five-year period.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Motion --

-- carried

Pisciotte moved that the tax exemption be extended on Century Manufacturing, Inc.'s IRB-financed real property for a second five-year period, subject to ongoing efforts to meet job creation efforts. Motion carried 7 to 0.

STREET PAVING

PETITION TO PAVE 33RD STREET NORTH, FROM COOLIDGE TO PORTER. (District VI)

Mike Lindebak

City Engineer reviewed the Item.

Agenda Report No. 00-0196.

The signatures on the Petition represent 19 of 35 (54.3%) resident owners and 49% of the improvement district area. A February 3, 2000 neighborhood meeting was held to discuss the Petition. Three property owners were present. They did not indicate support or opposition to the project.

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33rd Street North, from Coolidge to Porter, is a sand road that provides access to an area comprised predominately of single-family homes.

The estimated cost of the project is \$116,000 with \$103,500 assessed to the improvement district and \$12,500 paid by the City. The proposed method of assessment is the square foot basis. The estimated assessment rate is \$00.24 per square foot of ownership. The City share is for the cost of intersection construction. The funding source for the City share is General Obligation Bonds.

Council Member Cole

Council Member Cole stated that Porter, which is the only way out for people on 34th Street, remains unpaved as does east of 33rd. The neighborhood is very divided on the issue of who wants to pay for the paving and who does not.

Council Member Cole asked the City Engineer return with suggestions of a way that Porter and the remainder of 33rd Street can be paved. It appears that two separate benefit districts will probably be considered. This should be done in a way that would be favorable to the majority.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Motion --
-- carried

Cole moved that the Petition be approved and the Resolution be adopted; and the Staff Screening and Selection Committee be authorized to select a design engineer. Motion carried 7 to 0.

RESOLUTION NO. R-00-086

Resolution of findings of advisability and Resolution authorizing improving of 33rd Street North (from the east line of Coolidge South to the east line of Porter North) 472-83199 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Cole moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

HUD

2000-2001 HUD COMBINED ALLOCATIONS.

Tom Smith

Grants In-Aid Coordinator reviewed the Item.

Agenda Report No. 00-0197.

On November 9, 1999, the City Council took action to reaffirm community priorities and designated funding for priority programs and services provided by the City. Based on City Council priorities, applications were solicited for undesignated funding and for Special Program funding through competitive Request for Proposals (RFP).

The Grants Review Committee held its public hearing on February 8, 2000 to provide an opportunity for interested persons to address the Committee regarding housing and community development needs. The Committee also heard requests for undesignated HOME and ESG funding. The Grants Committee spent many hours in additional meetings reviewing applications and considering comments from the public.

The 2000-2001 combined HUD funding for Wichita includes: (1) Community Development Block Grant (CDBG) - \$3,843,000; (2) HOME Investments Partnership (HOME) - \$1,870,000; and (3) Emergency Shelter Grant (ESG) - \$142,000. As a result of its prior actions, the City Council has designated the following:

Source	Designated Funding	Undesignated Funding	Total
CDBG	\$3,843,000	\$-0-	\$3,843,000
HOME	\$1,590,000	\$280,000	\$1,870,000
ESG	\$6,650	\$135,350	\$142,000
Total	\$5,439,650	\$415,350	\$5,855,000

Community Development Block Grant

1. Reduced Funding

The actual 2000/2001 CDBG grant is \$83,000 less than originally estimated. The estimated amount (and the amount designated by the City Council) was \$3,843,000. The actual grant amount is \$3,760,000. Staff

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recommends utilizing \$83,000 from prior year completed project savings to provide funding for projects previously designated by the City Council.

2. Request for Proposals

A Staff Screening and Selection Committee has reviewed the Request for Proposals for: Women's Services; Youth Recreation/Enrichment; Summer Youth Employment; and Home Repair and made funding recommendations for each category of service .

3. Neighborhood/Community Facilities

The City Council designated \$200,000 for Neighborhood/Community facilities. These funds were intended to be utilized either for new community facilities/buildings or for deferred maintenance on eligible City-owned facilities. The City Council should determine how these funds are to be allocated for 2000-2001.

4. Neighborhood Stabilization/Revitalization

The City Council has reserved \$642,600 to utilize in an overall neighborhood improvement strategy that would compliment Inner City Redevelopment Incentives and the approved Neighborhood Revitalization Plan. The City Council must determine the specific use(s) for this funding. Staff has proposed that these funds be used for primarily for inner city redevelopment incentives including: paint grant program, rental housing revolving loan program, exterior repair grant program; neighborhood clean-up and historic preservation. The City Council may utilize this funding for any eligible CDBG purpose, except for Public Services (already at maximum allocation), subject to federal allocation limits and regulations.

5. Designated Funding Adjustment

The City Council previously designated \$455,000 to fund six District Advisory Board staff (one per Council district) and pay operating costs. Since the time funding designations were made, it has been determined that CDBG funds can legally pay for only 4 of the DAB staff. Accordingly, the balance of the CDBG funding will be used to fund two Community Education staff. This makes available local funding previously approved for Community Education to be used to fund the two remaining DAB staff.

Approval of the recommendations under the Community Development Block Grant (CDBG) program would specifically address Inner City Redevelopment Incentives in the following areas:

Home Repair Program	\$400,000
Paint Grant Program	\$100,000
Rental Housing Low Interest Revolving Loan Program	\$200,000
Exterior Repair Program	\$100,000
Neighborhood Clean-Up	\$ 12,600
Total	\$812,600

HOME Investment Funds

1. Undesignated CHDO Funding

The Grants Review Committee and staff have provided funding recommendations for undesignated CHDO funding. These recommendations include funding support for: Helping Our People Economically (H.O.P.E.) for a proposed renovation of affordable apartments in the Northeast Local Investment Area; and, Mennonite Housing for an acquisition with rehabilitation/new construction of single family homes project in the North Central and Northeast Local Investment Areas.

Emergency Shelter Grants

1. Undesignated Funding

Staff supports the recommendation of the Grants Review Committee for ESG undesignated funding. The Grants Review Committee was aware of the Homeless Task Force priorities and proposed funding needs.

Financial Considerations: The projected 2000-2001 CDBG allocation was reduced from the current fiscal year. At the same time, HOME funding and Emergency Shelter Grant funds remained the same as forecast. The total

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proposed allocation for the 2000-2001 HUD Combined Allocations and the One Year Action Plan is \$5,855,000, of which \$5,439,650 has been reserved by the City Council for priority programs and services. These allocations will be effective July 1, 2000.

Each grant program is restricted to certain federal allocation limits, which cannot be exceeded; however, they can be less. In 2000-2001, these limits (by grant) are:

CDBG	\$1,135,000	Public Services
	\$752,000	Planning and Administration
HOME Funds	\$280,000	Neighborhood-Based
		Non-Profits (CHDOs) (Minimum)
	\$186,000	Administration
Emergency Shelter Funds	\$39,900	Essential Service
	\$39,900	Homeless Prevention
	\$6,650	Administration

The national objectives of the Community Development Act are to principally benefit low/moderate income persons, eliminate slum and blight, or meet other urgent community needs. The HOME program also must primarily benefit low/moderate income persons and the Emergency Shelter program must benefit homeless persons. Allocation of Consolidated Grant funds is also subject to individual federal eligibility rules regarding specific activities/programs and national objectives of primarily benefiting low income persons or addressing conditions of slum/blight. The process by which grants funds are authorized by the City Council is a matter of local determination. The City Council has the authority to solicit proposals or to reserve grant funds for community priority needs and programs.

The City has met federal requirements in the allocation of funds. Prior to final allocations and payments, each project must be verified for eligibility for use of the respective grant funds. Subsequent to the allocation of funds, staff will prepare a One-Year Action plan of activities to be funded and a new, Five Year Strategic Plan. The Plan will be presented to City Council and will be made available for a required thirty (30) day public review and comment period. At the end of the comment period, the final plan will be submitted to the City Council for approval and authorization to submit to HUD.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Motion --

Pisciotta moved that the funding allocations, use of prior year CDBG savings and RFP services be approved; the use and allocations for CDBG funding be designated; and the One-Year Action Plan and the Five-Year Strategic Plan preparation be authorized. Motion carried 7 to 0.

-- carried

WIND TASK FORCE

WIND TASK FORCE REPORT.

Council Members Pisciotta and Martz presented the Report.

On May 3, 1999, a weather system producing strong winds and tornadoes swept from Oklahoma City through Sedgwick County causing \$1.5 billion damage to the region. The event prompted the establishment of the Wichita-Sedgwick County Wind Mitigation Task Force. Public, private, community, and regional stakeholders were asked to serve as Task Force Members. Subcommittees were created to study storm damage and prevention with life safety as a priority.

The Task Force recognized that preventing injuries and damage from severe storms requires a multi-faceted approach. The categories include developing: (1) incentives to motivate and encourage citizens and businesses to increase safety by utilizing FEMA recommended construction methods; (2) public education programs to inform and educate the public about wind mitigation techniques and materials; (3) improvements to early warning signalization, especially emphasizing the serious nature of severe weather; and (4) consistent City and County Manufactured Home Park Storm Shelter codes.

An additional motivation for cooperative effort between city and county leaders is a resolution known as "Compact 2000" signed in June of 1999. Wind mitigation was quickly targeted as a critical issue for cooperative endeavor.

The intent of the Task Force is not to regulate but to identify solutions for community challenges created by severe weather events. It is hoped that findings of the Task Force will result in identification and development of

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initiatives and educational programs to make Wichita and Sedgwick County a safer and more wind resistant community.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Motion -- carried

Pisciotte moved that the report be received and filed. Motion carried 7 to 0.

INCOME TAX CREDIT EARNED INCOME TAX CREDIT PROGRAM.

Rob Raine

Budget Officer reviewed the Item.

Agenda Report No. 00-199.

The federal Earned Income Tax Credit (EITC) is a tax-relief program providing moderate and low-income families and individuals with tax relief and an incentive to work. The EITC can provide a cash refund to families whose incomes are low enough that they do not owe Federal taxes. For 1999, the EITC can provide as much as \$3,816 to a family with an income up to \$30,580. The average 1998 refund totaled \$1,500. Through April 17 of this year, program participants may be eligible for up to three years of retroactive credits. Eligible workers often are not getting the credit – either because they haven't heard about it, don't know they're eligible or don't know how to apply. EITC is not available on the E-Z form.

The new District Advisory Boards (DABs) and the Mini-City Hall project provide an ideal forum through which to coordinate a community-wide neighborhood-based EITC application effort. In partnership with area businesses, community leaders and trained volunteers, a city-wide outreach campaign could be launched to educate workers about the Earned Income Tax Credit, ensure as many eligible citizens as possible are able to take advantage of the EITC program, including assisting them in filing.

Hundreds of millions of dollars in cash remain unclaimed in the U.S. Treasury by low-income workers and small business owners because they failed to claim it when filing their federal income tax. Many of those individuals live in Wichita, and many dollars are available to qualifying individuals. Those dollars would directly benefit them and indirectly benefit the entire local economy. Though the opportunity to make retroactive claims for three years exists only through April 17 of this year, the EITC is an on-going federal program.

No benefits will accrue directly to the City of Wichita as a result of this program; however, the indirect benefits to the overall economy and the direct benefits to eligible citizens of Wichita justify financial support necessary to help publicize the campaign and the use of designated staff. It is estimated that an expenditure of approximately \$7,000 will be required to initiate the coordinating steps necessary steps to implement the program. If approved by the City Council, resources can be made available from marketing funds for postage, advertising, and other expenses.

Mayor Knight

Mayor Knight said this is a community that has a concern about economic justice would overwhelmingly support assistance and citizens getting money that is rightfully theirs. This is simply good business because it is going to create a pool of largely unanticipated funds in this community.

Council Member Rogers

Council Member Rogers expressed support for citizens know that we are all concerned about their quality and enhancement of life. Utilization of District Advisory Boards will have a tremendous influence in getting this information to the people.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Motion --

Knight moved that participation and the use of City resources for postage, advertising, and other related expenses to initiate steps in the development be approved; and the City Manager be authorized to develop a plan to work with area businesses, local governments, and other community and civic organizations in the dissemination of information and assistance to allow eligible citizens to take advantage of the program Motion carried 7 to 0.

-- carried

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(The following Item was taken up later in the meeting: action is shown in Agenda order)

CONDEMNATIONS

REPAIR OR REMOVAL OF DANGEROUS AND UNSAFE STRUCTURES.

Kurt Schroeder

Superintendent of Central Inspection reviewed the Item.

Agenda Report No. 00-0200.

On January 25, 2000, a report was submitted with respect to the dangerous and unsafe conditions of the buildings located on two (2) properties. The Council adopted a resolution providing for a public hearing to be held on these condemnation actions at 11:00 a.m. on March 7, 2000.

On December 1, 1999, the Board of Code Standards and Appeals (BCSA) held hearings on the following properties:

<u>Property Address</u>	<u>Council District</u>
1. 3345 East Roseberry	III
2. 3341 East Munger	III

Pursuant to State Statute the Resolutions were duly published twice on January 26, 2000 and February 2, 2000. A copy of each resolution was sent by certified mail or given personal service delivery to the owners and lien holders of record of each described property.

Mayor Knight

Mayor Knight inquired whether anyone wished to speak on 3341 East Munger and no one appeared.

Motion --

Lambke moved that the resolution declaring the building(s) dangerous and unsafe structures be adopted, the staff recommended time frame to alleviate the findings be approved and any extensions of time granted to repair the structures would be conditioned on the following: (1) any back taxes now due are to be paid and taxes kept current, (2) the structures are to be kept secured, and (3) the premises are to be kept mowed and free of debris; if any of these conditions are not met, staff is directed to proceed to let for bids to demolish the structure; and the City Clerk be instructed to have the Resolution published once in the official city paper and advise the owners of these findings. Motion carried 7 to 0.

-- carried

RESOLUTION NO. R-00-088

A Resolution finding that the structure located on Lot 37, Block 1, in Planeview Subdivision No. 1, Sedgwick County, Kansas, commonly known as 3341 East Munger Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed, read. Lambke moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

Mayor Knight left the bench; Vice Mayor Rogers in the chair.

3345 East Roseberry

Kirk Schroeder

Superintendent of Central Inspection reviewed 3345 East Roseberry.

Vice-Mayer Rogers

Vice Mayor Rogers inquired whether anyone wished to be heard.

William Terry

Mr. Terry stated he needed more time to repair the property or to at least to clean it up. That it has been his property and he has paid taxes on it for 50 years and when he bought it, he knew it wasn't up to code. He stated he has put a concrete porch on the front and that he tried to keep it up. He stated that he has antiques in the property.

Mayor Knight present and in the chair.

Council Member Lambke

Council Member Lambke stated that Mr. Terry has had adequate opportunity to respond to Central Inspection requests, and felt that the recommended action should be taken.

Kirk Schroeder

Superintendent of Central Inspection stated the recommended action was to proceed with condemnation and removal of the property.

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Motion --

Knight moved that the public hearing be closed, the resolution declaring the building(s) dangerous and unsafe structures be adopted, the staff recommended time frame to alleviate the findings be approved and any extensions of time granted to repair the structures would be conditioned on the following: (1) any back taxes now due are to be paid and taxes kept current, (2) the structures are to be kept secured, and (3) the premises are to be kept mowed and free of debris; if any of these conditions are not met, staff is directed to proceed to let for bids to demolish the structure; and the City Clerk be instructed to have the Resolution published once in the official city paper and advise the owners of these findings. Motion carried 7 to 0.

-- carried

RESOLUTION NO. R-00-087

A Resolution finding that the structure located on commonly known as Lot 27, Block J, in Planeview Subdivision No. 1, Section 2, Township 28 South, Range 1 east of the 6th principal meridian, Sedgwick County, Kansas, commonly known as 3345 East Roseberry, Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed, read. Lambke moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

(The Annexation Item was taken up at 7:00 p.m. Action is shown as the last Item in the Minutes.)

CITY COUNCIL AGENDA

APPOINTMENTS

NAMING OF PUBLIC FACILITIES COMMITTEE; APPOINTMENT.

Chris Cherches

City Manager reviewed the Item.

Agenda Report No. 00-0202.

It is the policy of the City Council to name public facilities in accordance with their intended use. To assist in naming public facilities, a Mayor's Advisory Committee is established and charged with recommending proposed names to the City Council for consideration. In order to name the new pocket park on Douglas Avenue, it is proposed that the City Council appoint members to the Committee to consider proposed names for this park.

The City's policy provides that the Mayor's Advisory Committee be comprised of seven persons and meet, as needed, to consider proposed names for public facilities. The City Council has final authority for selection of an appropriate name upon recommendation from the Committee. Under the policy, each City Council member is to nominate one (1) person to serve on the Committee. The Committee shall be charged with making a recommendation and will disband upon the completion of the assignment.

Appointees shall be residents of the City and at least 18 years of age. The appointees may be members of other Boards/Commissions, if desired.

Chris Cherches

City Manager asked if appointments could be phoned in to him.

Motion --

-- carried

Cole moved that Council members call in their nominations to the City Manager and that the City Manager form a committee Motion carried 7 to 0.

APPOINTMENTS

BOARD/COMMISSION APPOINTMENTS.

Motion --

-- carried

Gale appointed Paul Ward, June Bailey, Chris Carraher, Edward Koon, Maligned Johnson, Bonny Patrick and Jerry McGitny to District IV Advisory Board and moved that the appointments be approved. Motion carried 7 to 0.

Motion --

-- carried

Pisciotte appointed Trix Niernberger to the Board of Park Commissioners; Jim Ruane to the Board of Zoning Appeals; and Shirley Jefferson to District II Advisory Board and moved that the appointments be approved. Motion carried 7 to 0.

Motion --

-- carried

Lambke appointed Sharon L. Askew, Lois A. Newman, William A. Ward, Judy Dillard, Ora Nestelroad, Phil Bloomquist, Jim Guliek, John Kemp, Gene Fuhr, Phylis Hall, and Brent Turnipseed to District III Advisory Board and moved that the appointments be approved. Motion carried 7 to 0.

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- Motion -- Rogers appointed Carl Brewer, Patrice Dolenz, David Franks, Kenneth Hemmer, Sharon Myers, Debbie Moore, Marcia Traylor, Lois Tully-Gerber, Billy Wilson, Dee Wright and Carrie Jones, to District I Advisory Board and moved that the appointments be approved. Motion carried 7 to 0.
- carried
- Motion -- Cole appointed James Faith to the Police and Fire Retirement Board and moved that the appointment be approved. Motion carried 7 to 0.
- carried

PROCLAMATIONS

PROCLAMATIONS.

There were no proclamations considered.

OFF AGENDA ITEM

USE OF CITY BUILDING.

- Motion -- carried Knight moved that the rules be set aside and that an Item be taken up off the Agenda. Motion carried 7 to 0.
- Council Member Cole Council Member Cole said Sharon Fearey, who is providing leadership regarding the school bond issue, had asked whether the City building could be used as a place for citizens to receive school bond and registration information. This would probably be just a table set up for citizens who were passing by.
- Gary Rebenstorf City Attorney stated that City Council has a Policy that says only programs sponsored by the City, or a department of the City, may be conducted in City Hall, however, there is a provision in the Policy for Council waiver by motion authorizing this action.
- Motion -- Cole moved that arrangements be made for the opportunity to registration to vote in City Hall prior to the school bond issue. Motion carried 7 to 0.
- carried

CONSENT AGENDA

Knight moved that the Consent Agenda, including Addendum Item 35a, except Items 27h, 27m, and 27n, be approved in accordance with the recommended action shown thereon. Motion carried 7 to 0.

BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED MARCH 6, 2000.

Bids were opened March 3, 2000, pursuant to advertisements published on:

55th Street South Bridge over Big Slough - east of Broadway, at 55th Street South. (87 N-0123-01/472-83041/448-83381/468-83056/715678/635605/ 621326 /240086/769665/533243) Bridge to be closed to traffic. Detour to be marked. City Council approval date: 01/11/2000. (District IV)

Dondlinger & Sons - \$648,142.68

Sanitary sewer relocation in connection with improvements at Lincoln Park - east of Broadway, south of Bayley. (468-83074/715572/249076) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 01/18/2000. (District I)

Dondlinger & Sons - \$36,823.00

2000 sanitary sewer rehabilitation program, Phase A - east of Seneca and south of 13th Street North. (468-83072/620278/660403) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 01/25/2000. (Districts I, III, V and VI)

Insituform Technologies - \$156,556.50

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2000 contract maintenance preparatory curb & gutter repair and miscellaneous concrete repairs - northeast of 55th Street South and 155th Street West. (/132258/) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 12/07/1999

McFadden Construction - \$186,000.00 (Engineer's estimate)

Zelta/Laguna from the north line of Lincoln to the east line of Lot 33, Block 2; Laguna Court serving Lots 24 through 32, Block 2, from the south line of Laguna to and including the cul-de-sac; Zelta Courts serving Lots 11 through 18, Block 2, from the east line of Zelta to and including the cul-de-sac, and serving Lots 1 through 10, Block 2, from the east line of Zelta to and including the cul-de-sac, and; sidewalk on the west and north sides of Zelta/Laguna from the north line of Lincoln to the east line of Lot 18, Block 1 to serve Woodland Lakes Estates Second Addition - north of Harry, east of Greenwich. (472-83073/765570/490681) Does not affect existing traffic. City Council approval date: 03/04/1999. (District II)

APAC-Kansas, Inc. - \$339,648.00

Lateral 435, Southwest Interceptor Sewer to serve four Unplatted Tracts - south of Kellogg, west of Maize. (468-83012/743804/480492) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 08/03/1999 (District V)

WB Carter Construction - \$19,446.00

Pawnee Court from the south line of Pawnee, to and including the cul-de-sac to serve Wilderness at the Park Addition - south of Pawnee, east of Maize. (472-82385/765597/490708) Does not affect existing traffic. City Council approval date: 06/08/1999. (District V)

Kansas Paving Company - \$61,734.00

Jewell Circle from the west line of Lot 24, Block 1 to and including the cul-de-sac; Rita from the south line of Jewell Circle to the west line of Maize Road; and Rita Court from the south line of Rita to and including the cul-de-sac to serve Lindsay's Orchard Addition - north of Pawnee, west of Maize Road. (472-83189/765617/490728) Does not affect existing traffic. City Council approval date: 02/01/2000. (District V)

Cornejo & Sons Construction - \$112,032.25

Lateral 8, Cowskin Interceptor Sewer to serve Maple Dunes Addition - north of Maple, east of 135th Street West. (468-82716/743824/480512) Does not affect existing traffic. City Council approval date: 07/01/1997. (District V)

K C Excavating - \$18,559.00

Water distribution system to serve Maple Dunes Addition - north of Maple, east of 135th Street West. (448-89150/734952/470622) Does not affect existing traffic. City Council approval date: 07/01/1997. (District V)

WBW Contractors - \$4,791.00

Knight moved that the contract(s) be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 7 to 0.

FINANCE DEPARTMENT/DATA CENTER DIVISION: Printing of Computer Generated Reports. (035105)

Microfilm Services, Inc. - \$0.028 (Total per page)
\$5.00 (Pickup/delivery charge)

WATER & SEWER DEPARTMENT/SEWAGE TREATMENT DIVISION: Quarterly Disposal of Analytical Laboratory Wastes. (184754)

Safety-Keen (Wichita), Inc. - \$0.85 (Cost per vial)

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WATER & SEWER DEPARTMENT/PRODUCTION & PUMPING DIVISION: Carbon Dioxide. (183632)

Jimmie Jones Airgas - \$89.30* (Cost per ton)

*firm price for one year

VARIOUS DEPARTMENTS/VARIOUS DIVISIONS: Emulsified Asphalt. (132225)

Koch Pavement Solutions - \$0.789 (Cost per gallon/includes freight and pumping charges)

FINANCE DEPARTMENT/PRINT SHOP DIVISION: Fine Paper & Carbonless Paper Requirement. (037226)

Unisource - \$ 8.70* (Group I/item 1/per M)

\$11.95* (Group I/item 2/per M)

\$ 5.55* (Group I/item 3/per M)

\$ 7.75* (Group I/item 4/per M)

\$ 4.20* (Group I/item 5/per M)

\$ 4.68* (Group I/item 6/per M)

\$ 5.95* (Group I/item 7/per M)

\$ 7.20* (Group I/item 8/per M)

\$ 9.75* (Group I/item 9/per M)

\$ 5.75* (Group I/item 10/per M)

\$11.50* (Group I/item 11/per M)

\$ 7.30* (Group I/item 12/per M)

\$14.65* (Group I/item 13/per M)

\$12.00* (Group I/item 14/per M)

\$24.00* (Group I/item 15/per M)

*2%-10/Net 30 Prices Esc/De-Esc

Southwest Paper Company - \$7.94* (Group II/item 1/per M)

\$8.68* (Group II/item 2/per M)

\$9.20* (Group II/item 3/per M)

*2%-10/Net 30 Firm first six months

PUBLIC WORKS DEPARTMENT/LANDFILL DIVISION: Brooks Landfill Cell B Source Removal. (131300)

Environmental Quality Management Inc. - \$55,239.50 (Total net bid)

\$3,854.00 (Alternate 1/unit price)

\$3,854.00 (Alternate 2/unit price)

\$ 162.25 (Alternate 3/unit price)

\$ 3.82 (Alternate 4/unit price)

\$1,812.00 (Alternate 5/unit price)

\$3,480.00 (Base 1 /unit price)

\$3,480.00 (Base 2 /unit price)

\$ 9.87 (Base 3 /unit price)

\$ 40.15 (Base 4 /unit price)

\$ 86.08 (Base 5 /unit price)

\$.24 (Base 6 /unit price)

\$ 4.00 (Base 7 /unit price)

\$ 180.00 (Base 8a/unit price)

\$ 10.00 (Base 8b/unit price)

\$ 714.00 (Base 9 /unit price)

\$ 16.61 (Base 10/unit price)

Total Alternates \$223,564.00

PARK DEPARTMENT/RECREATION DIVISION: Train Track Replacement at Watson Park. (785824)

Crafton Railroad Company, Inc. - \$124,462.00 (Total net bid with salvage value deducted)

FINANCE DEPARTMENT/DATA CENTER DIVISION: Software and Communication Board. (791186)

Omtool - \$17,214.00 (Total net bid)

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PARK DEPARTMENT/MAINTENANCE DIVISION: Fertilizer, Fungicides, Herbicides, Insecticides and Other. (170241)

United Horticultural & Supply - \$1,253.70 (Group I/total net bid)
\$1,817.90 (Group II/total net bid)
Gard'N-Wise Distributors - \$1,841.40 (Group III/total net bid)
Outdoor Equipment - \$25,397.00 (Group IV/total net bid)
United Horticultural & Supply - \$14,536.80 (Group V/total net bid)
\$ 3,920.00 (Group VI/total net bid)
Grass Pad, Inc. - \$7,162.60 (Group VII/total net bid)
Gard'N-Wise Distributors - \$500.00 (Group VIII/total net bid)
United Horticultural & Supply - \$3,220.00 (Group IX/total net bid)
\$ 639.00* (Group X/total net bid)
*Selected by coin toss
Greenkeeper Co., Inc. - \$6,436.50 (Group XI/total net bid)
Outdoor Equipment Co. - \$4,240.00 (Group XII/total net bid)
Greenkeeper Co., Inc. - \$2,310.00 (Group XIII/total net bid)
Agro Distribution LLC dba Pro Source One - \$4,160.00 (Group XIV/total net bid)
Outdoor Equipment Co. - \$832.00 (Group XV/total net bid)
Estes, Inc - \$1,609.40 (Group XVI/total net bid)
Greenkeeper Co., Inc. - \$4,484.35* (Group XVII/total net bid)
*Corrected total
Vegetation Management Supply - \$1,625.00 (Group XVIII/total net bid)
United Horticultural & Supply - \$1,345.32 (Group XIX/total net bid)
Van Diest Supply - \$3,526.60 (Group XX/total net bid)
Greenkeeper Co., Inc. - \$804.80 (Group XXI/total net bid)
Vegetation Management Supply - \$968.75 (Group XXII/total net bid)
Outdoor Equipment CO. - \$6,300.00 (Group XXIII/total net bid)
\$1,280.00 (Group XXIV/total net bid)
Greenkeeper Co., Inc. \$19,973.25 (Group XXV/total net bid)
United Horticultural & Supply - \$ 660.00 (Group XXVI/total net bid)
\$2,592.00 (Group XXVII/total net bid)

WATER & SEWER DEPARTMENT/WATER DISTRIBUTION DIVISION: Waterworks Supplies. (181222)

Water Products Inc. - \$3,363.50# (Group I/total net bid)
Heartland Waterworks Supply, Inc. - \$2,744.00# (Group II/total net bid)
Wichita Pump & Supply - \$3,996.00# (Group III/total net bid)
Hajoca Corporation - \$4,980.00# (Group IV/total net bid)
Water Products Inc. - \$2,452.54# (Group V/total net bid)
#Plus applicable sales tax

Knight moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 7 to 0.

LICENSES

APPLICATION FOR LICENSES FOR ADULT ENTERTAINMENT ESTABLISHMENTS/SERVICES:

Renewal - Adult Entertainment

Valerie Washington	Xcitement Video	1306 East Harry
Valerie Washington	Xcitement Video	1515 South Oliver
Donna Moody	Wichita Inn Motel Systems	2020 South Broadway

New – Escort Service

Dennis Ray McCaughtry	New Millennium Dating Service	2415 South Glendale
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Motion -- carried

Knight moved that the licenses be approved subject to Staff approval. Motion carried 7 to 0.

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APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2000</u>	<u>(Consumption on Premises)</u>
Patricia I. Nansen Judith A. Whitney	Tenth Street Tavern Puffy's Lounge	355 West 10th Street 3415 West 31st South
<u>Renewal</u>	<u>2000</u>	<u>(Consumption off Premises)</u>
Ralph McGuire	Dillon Store #12	9450 East Harry
Ralph McGuire	Dillon Store #16	8828 West 13th Street North
Ralph McGuire	Dillon Store #20	7707 East Harry
Ralph McGuire	Dillon Store #21	5500 East Harry
Ralph McGuire	Dillon Store #26	1227 South Hydraulic
Ralph McGuire	Dillon Store #30	2525 West Douglas
Ralph McGuire	Dillon Store #31	1640 South Broadway
Ralph McGuire	Dillon Store #33	4747 South Broadway
Ralph McGuire	Dillon Store #34	3932 West 13th Street
Ralph McGuire	Dillon Store #35	6297 East 13th Street North
Ralph McGuire	Dillon Store #42	4801 East Central
Ralph McGuire	Dillon Store #49	10222 West 21st Street North
Ralph McGuire	Dillon Store #62	1435 North Waco
Ralph McGuire	Dillon Store #65	3211 South Seneca
Ralph McGuire	Dillon Store #66	2244 North Rock Road
Ralph McGuire	Dillon Store #72	10515 West Central
<u>New Establishment</u>	<u>2000</u>	<u>(Consumption on Premises)</u>
Isabel Salome	Angela's Café*	10901 East Kellogg

*General/Restaurant -- 50% or more of gross receipts derived from sale of food.

Motion -- carried

Knight moved that the licenses be approved subject to Staff approval. Motion carried 7 to 0.

PLANS AND SPECS.

PLANS AND SPECIFICATIONS:

a. Water distribution system to serve Vanview, and other Additions and Plats in the area - south of 61st Street North, east of the Little Arkansas River. (448-89363/734910/470580) Does not affect existing traffic. City Council approval date: 02/02/1999. (District VI)

b. Cessna Park tennis court reconstruction 1999 Park CIP - Phase I Cessna Park improvements CIP# P-9. (472-82969/785865/399118) Does not affect existing traffic. City Council approval date: 08/11/1998. (District III)

c. Columbine Park tennis court reconstruction 2000 Park CIP - sport court repair CIP# P-390003. (472-83200/785006/390138) Does not affect existing traffic. City Council approval date: 12/10/1999. (District VI)

Motion --
-- carried

Knight moved that the Plans and Specifications be approved and advertised for bids to be submitted to the Board of Bids and Contracts by 10:00 a.m., March 17, 2000. Motion carried 7 to 0.

d. 2000 contract maintenance thermal crack repairs (arterials) - Pawnee, west of Meridian. (/132266/) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 12/07/1999. (District IV)

e. 2000 contract maintenance bridge deck resurfacing of the westbound lanes of Lincoln Bridge over I-135 - Lincoln, east of Hydraulic. (/132449/) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 12/07/1999. (District I)

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f. 2000 contract maintenance area concrete reconstruction (arterials) - Pawnee, west of Meridian. (/132357/) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 12/07/1999. (District IV)

g. 2000 contract maintenance quickset slurry seal, surface repairs, and curb repair - at various locations. (/131557/) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 12/07/1999. (Districts I, II, III, V and VI)

h. 2000 contract maintenance heater scarification and overlay - at various locations. (/132242//405241/533243) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 12/07/1999. (Districts I, IV, V and VI)

Motion --
-- carried

Knight moved that the Plans and Specifications be approved and advertised for bids to be submitted to the Board of Bids and Contracts by 10:00 a.m., March 24, 2000. Motion carried 7 to 0.

SUBDIVISION PLANS AND SPECIFICATIONS.

a. Oak Ridge Circle from the east line of Tyler to and including the cul-de-sac to serve Oak Ridge Second Addition - north of 29th Street North, east of Tyler. (472-82834/765603/490714) Does not affect existing traffic. City Council approval date: 07/15/1997. (District V)

b. Storm Water Drain 143 to serve Plaza Central Office Park Addition - south of Central, east of Greenwich. (468-82976/751280/485171) Does not affect existing traffic. City Council approval date: 10/12/1999. (District II)

c. Lateral 100, Sanitary Sewer 23 to serve Great Plains Business Park Second Addition - south of 37th Street North, east of Oliver. (468-83067/743828/480516) Does not affect existing traffic. City Council approval date: 02/08/2000. (District I)

d. Lateral 320, Southwest Interceptor Sewer to serve Wheatland Addition - south of MacArthur, west of Hoover. (468-82290/743823/480511) Does not affect existing traffic. City Council approval date: 04/06/1993. (District V)

e. Lateral 79, Main 22, War Industries Sewer to serve Wilson Farms Second Addition - south of 21st Street North, east of Rock Road. (468-83057/743829/480517) Does not affect existing traffic. City Council approval date: 02/15/2000. (District II)

f. Georgia from the west line of Gilda, west to the west line of Lot 13, Block E, and to the west line of Lot 7, Block G; Gilda from the south line of Georgia to the south line of 4Second Street South; and 4Second Street South from the west line of Gilda to the west line of Lot 14, Block G and the west line of Lot 13, Block H; and Sidewalk on the west side of Gilda, from the south line of Georgia to the north line of 4Second Street South; on the north side of 4Second Street South, from the west line of Lot 14, Block G to the west line of Gilda; and also, between Lots 5 & 6, Block H, from the south line of Block H to the south line of 4Second Street South to serve Wheatland Addition - south of MacArthur, west of Hoover. (472-83076/765612/490723) Does not affect existing traffic. City Council approval date: 03/16/1999. (District V)

g. Lateral 138, War Industries Sewer to serve Regency Lakes Addition - north of 21st Street North, west of Greenwich Road. (468-82696/743830/480518) Does not affect existing traffic. City Council approval date: 04/05/1997. (District II)

h. Water Distribution System to serve Wheatland Addition - south of MacArthur, west of Hoover. (448-88693/734948/470618) Does not affect existing traffic. City Council approval date: 04/06/1993. (District V)

i. Water Distribution System to serve Wilson Farms Second Addition - south of 21st Street North, west of Webb. (448-89447/734954/470624) Does not affect existing traffic. City Council approval date: 02/15/2000 (District II)

Motion --
-- carried

Knight moved that the Plans and Specifications be approved and advertised for bids to be submitted to the Board of Bids and Contracts by 10:00 a.m., March 17, 2000. Motion carried 7 to 0.

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PRELIMINARY ESTS.

PRELIMINARY ESTIMATES:

- a. Water supply line in 21st Street North from 127th Street East to 143rd Street East and in 143rd Street East from 21st Street North to Summerfield - 21st Street North and 143rd Street East. (448-89249/633636 /758525) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 06/22/1999. - \$1,070,000.00
- b. 55th Street South Bridge over Big Slough - east of Broadway, at 55th Street South. (87 N-0123-01/472-83041/448-83381/468-83056/715678/635605/621326/240086/769665/533243) Bridge to be closed to traffic. Detour to be marked. City Council approval date: 01/11/2000. (District IV) - \$745,000.00
- c. Sanitary sewer relocation in connection with improvements at Lincoln Park - east of Broadway, south of Bayley. (468-83074/715572/249076) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 01/18/2000. (District I) - \$83,010.00
- d. 2000 sanitary sewer rehabilitation program, Phase A - east of Seneca and south of 13th Street North. (468-83072/620278/660403) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 01/25/2000. (Districts I, III, V and VI) - \$236,000.00
- e. 2000 contract maintenance preparatory curb and gutter repair and miscellaneous concrete repairs - northeast of 55th Street South and 155th Street West. (/132258/) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 12/07/1999. - \$200,000.00
- f. Zelta/Laguna from the north line of Lincoln to the east line of Lot 33, Block 2; Laguna Court serving Lots 24 through 32, Block 2, from the south line of Laguna to and including the cul-de-sac; Zelta Courts serving Lots 11 through 18, Block 2, from the east line of Zelta to and including the cul-de-sac, and serving Lots 1 through 10, Block 2, from the east line of Zelta to and including the cul-de-sac, and; sidewalk on the west and north sides of Zelta/Laguna from the north line of Lincoln to the east line of Lot 18, Block 1 to serve Woodland Lakes Estates Second Addition - north of Harry, east of Greenwich. (472-83073/765570/490681) Does not affect existing traffic. City Council approval date: 03/04/1999. (District II) - \$487,500.00
- g. Lateral 435 Southwest Interceptor Sewer to serve four Unplatted Tracts - south of Kellogg, west of Maize (468-83012/743804/480492) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 08/03/1999. (District V) - \$38,880.00
- h. Pawnee Court from the south line of Pawnee, to and including the cul-de-sac to serve Wilderness at the Park Addition - south of Pawnee, east of Maize. (472-82385/765597/490708) Does not affect existing traffic. City Council approval date: 06/08/1999. (District V) - \$80,000.00
- i. Jewell Circle from the west line of Lot 24, Block 1 to and including the cul-de-sac; Rita from the south line of Jewell Circle to the west line of Maize Road; and Rita Court from the south line of Rita to and including the cul-de-sac to serve Lindsay's Orchard Addition - north of Pawnee, west of Maize Road (472-83189/765617/490728) Does not affect existing traffic. City Council approval date: 02/01/2000. (District V) - \$151,000.00
- j. Lateral 8, Cowskin Interceptor Sewer to serve Maple Dunes Addition - north of Maple, east of 135th Street West. (468-82716/743824/480512) Does not affect existing traffic. City Council approval date: 07/01/1997. (District V) - \$44,000.00
- k. Water distribution system to serve Maple Dunes Addition - north of Maple, east of 135th Street West. (448-89150/734952/470622) Does not affect existing traffic. City Council approval date: 07/01/1997. (District V) - \$15,000.00
- l. Traffic signal at Greenbriar and Rock Road. (472-83127/710213/239075) Not for advertisement. City Council approval date: 03/07/2000 - \$80,000.00
- m. Vest Pocket Park (472-82881/791848/435213) Amended Preliminary Estimate. Not to be advertised. City Council approval date: 03/07/2000. - \$614,100.00

Motion -- carried

Knight moved that the Preliminary Estimates be approved and filed. Motion carried 7 to 0.

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ACCEL/DECEL LANE

PUBLIC IMPROVEMENT PETITION - ACCEL/DECEL LANE TO SERVE WESTGATE VILLAGE SECOND ADDITION - NORTH OF 13TH, WEST OF MAIZE. (District V)

Agenda Report No. 00-0203.

The Petition has been signed by one owner, representing 100% of the improvement district.

This project will improve access to a new commercial property.

The Petition totals \$60,000. The funding source is special assessments.

Motion -- carried

Knight moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. R-00-089

Resolution of findings of advisability and Resolution authorizing constructing an accel/decel lane on the north side of 13th Street from the west line of the plat to a point east of the west line of the plat, to serve Lots 1, 2, and 3, of Westgate Village Second Addition, Project No. 472-83202 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

SANITARY SEWER

PETITION AND CHANGE ORDER TO CONSTRUCT A SANITARY SEWER TO SERVE LOTS 1 AND 2, BLOCK 1, BAREFOOT BAY SECOND ADDITION - SOUTH OF 29TH STREET NORTH, WEST OF HOOVER. (District V)

Agenda Report No. 00-0204.

On September 28, 1999, the City Council approved a Petition to extend sanitary sewer service for two new homes. An attempt to award a construction contract within the budget set by the Petition was not successful. A new Petition has been submitted. The Petition has been signed by three owners representing 100% of the improvement district

A Change Order has been prepared to construct the sewer using a construction company that is currently working near the site.

The original Petition totaled \$30,000. The new Petition totals \$52,000. The funding source is special assessments.

Motion --
-- carried

Knight moved that the petition and change order be approved; the resolution be adopted; and the necessary signatures be authorized. Motion carried 7 to 0.

RESOLUTION NO. R-00-090

A Resolution of findings of advisability and resolution authorizing construction of Lateral 440, Southwest Interceptor Sewer, south of 29th Street North, west of Hoover, 468-83035, in the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

DEEDS/EASEMENTS

DEEDS AND EASEMENTS:

a. Dedication from Frederick Aurbach dated February 14, 2000, for a tract of land in Block H, McAdam Acres Addition, Wichita, Sedgwick County, Kansas - Pawnee and Oliver. (OCA 706663) No cost to City.

b. Drainage easement from John D. Greenstreet, President of Cresthill Suites Wichita, LLC, dated February 8, 2000, for a tract of land in Lot 1, Block 1, Plaza Central Office Park, an Addition to Wichita, Sedgwick County, Kansas. (SWD 143 - OCA 751280) No cost to City.

c. Drainage easement from John D. Greenstreet, President of P.D.S. Development Company, Inc. dated February 8, 2000, for a tract of land in Lot 5, Block 1, Plaza Central Office Park, an Addition to Wichita, Sedgwick County, Kansas. (SWD 143 - OCA 751280) No cost to City.

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d. Drainage easement from John D. Greenstreet, President of P.D.S. Development Company, Inc., dated February 8, 2000, for a tract of land in Lot 5, Block 1, Plaza Central Office Park, an Addition to Wichita, Sedgwick County, Kansas. (SWD 143 - OCA 751280) No cost to City.

e. Drainage easement from Smith & Company, Inc. dated February 10, 2000, for a tract of land in Lots 1 and 5, Block 4, SmithMoor Ninth Addition, Wichita, Sedgwick County, Kansas. (Private Project) No cost to City.

f. Drainage easement from Smith & Company, Inc. dated February 10, 2000, for a tract of land in Lot 7, Block 2, SmithMoor Ninth Addition, Wichita, Sedgwick County, Kansas. (Private Project) No cost to City.

Motion -- carried

Knight moved that the documents be received and filed. Motion carried 7 to 0

BOARDS MINUTES

MINUTES OF THE ADVISORY BOARDS & COMMISSIONS:

Airport Advisory Board, 2-7-2000
Board of Park Commissioners, 2-14-2000
Deferred Compensation Board of Trustees, 2-22-2000
Design Review Board, 1-20-2000
Police and Fire Retirement System, 12-22-1999
Police and Fire Retirement System, 1-26-2000
Wichita Employees' Retirement System, 1-19-2000
Wichita Public Library, 2-15-2000

Motion -- carried

Knight moved that the Minutes be received and filed. Motion carried 7 to 0.

STREET CLOSURES

CONSIDERATION OF STREET CLOSURES/USES.

There were no street closures considered.

CLAIMS ALLOWED

REPORT ON CLAIMS ALLOWED - JANUARY 2000:

<u>Name of Claimant</u>	<u>Amount</u>
State Farm Ins./Eric Bass	\$3,523.25
Carol Wright	\$ 50.00*
Dorothy Lott	\$ 535.93
Forrest Grove Apartments	\$ 319.00
IPC Retail Properties	\$ 90.39
Printing, Inc.	\$5,254.65#
Robert J. Schoenberger	\$ 150.00
Robert McJunkins	\$3,500.00*
Robert W. Klapprott	\$2,048.80
Ronald & Kay Neuway	\$ 250.00*
Robert L. Anderson	\$ 150.00

*Settled for a lesser amount than claimed.

#Approved by City Manager.

Motion -- carried

Knight moved that the Report be received and filed. Motion carried 7 to 0.

MUNICIPAL COURT

BAILIFF AND GUARD SERVICE CONTRACT -- MUNICIPAL COURT.

Agenda Report No. 00-0205.

Security personnel perform bailiff duties in the courtrooms. The judges require a bailiff in the courtroom during all court sessions. The bailiffs are responsible for maintaining order in the courtrooms, take individuals into custody and out of the courtroom, escort prisoners to and from the courtrooms, inventory property of prisoners, and handle a variety of court documents in the course of following judge's instructions. Bailiffs are also trained in testing

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defendants for drug use. Municipal Court has walk-through metal detector and wand screening devices which provide security to the courtrooms. Security guards perform the screening process of individuals appearing for court.

A Request for Proposal (RFP) to provide bailiff and guard services was developed and two vendors responded. Wolf Investigations was the low bidder and was selected because of qualifications and ability to meet the RFP stated requirements.

Municipal Court has an approved budget of \$124,130 for the contract. The new contract rate of \$210,750 for Bailiff and Guard Service is an increase of \$86,620 over the approved budget. A budget adjustment is required.

Motion --
-- carried

Knight moved that the budget and Contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

ELECTED OFFICIALS

LOCAL ELECTED OFFICIALS BOARD AGREEMENT.

Agenda Report No. 00-0206.

The Regional Economic Area Partnership (REAP) has been working since September, 1999, to guide and plan the implementation of the Workforce Investment Act (WIA) of 1998. The current Job Training Partnership Act program will be replaced by WIA on July 1, 2000. It is REAP's intention to provide a greater voice for local elected officials on job training issues.

The Regional Economic Area Partnership is requesting the City Council approve an agreement which authorizes REAP to serve as the Local Elected Officials Board (LEOB). Each REAP member jurisdiction will be able to nominate an individual to serve on the REAP Economic Development Committee, which will also serve as the Local Elected Officials Board. Membership of the LEOB cannot exceed fifteen. The Chief Elected Official in Service Delivery Area IV is the Mayor of Wichita and the Mayor will serve as the co-chair of the LEOB.

The LEOB is charged with making appointments to the Local Workforce Investment Board, as well as general oversight of WIA activities. The REAP Economic Development Committee, in its role of LEOB, has been working to identify nominees to the new Local Workforce Investment Board (LWIB) and recently made a number of appointments. The intent is to have a fully appointed board in place as soon as possible so that the work can commence on implementation of the Act.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

WATER SERVICE

WATER SERVICE AGREEMENT OUTSIDE THE CORPORATE CITY LIMITS.

Agenda Report No. 00-0207.

This is an application for water service outside the corporate limits of the City of Wichita, Kansas, for the address of 3801 S. Ridge Road. The groundwater at this location is contaminated per testing by Geotechnical Services Incorporated. Coinciding with the agreement, the property owners will not oppose annexation.

The tap fee of \$1270 has been paid by Geotechnical Services Inc.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

DESIGN SERVICE

DESIGN SERVICE AGREEMENT FOR LINDSAY'S ORCHARD ADDITION - NORTH OF PAWNEE, WEST OF MAIZE. (District V)

Agenda Report No. 00-0208.

The City Council approved the Lindsay's Orchard Addition plat in 1998.

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The proposed Agreement between the City and Savoy, Ruggles & Bohm, P.A. (SRB) provides for the design of bond financed improvements in the Lindsay's Orchard Addition. Per Administrative Regulation 7a, staff recommends the selection of SRB because SRB provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$10,700, and will be paid by special assessments.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

DESIGN SERVICE

DESIGN SERVICE AGREEMENT FOR WHEATLAND ADDITION - SOUTH OF MACARTHUR, WEST OF HOOVER. (District IV)

Agenda Report No. 00-0209.

The City Council approved the Wheatland Addition plat on March 16, 1999.

The proposed Agreement between the City and Moehring & Associates provides for the design of bond financed improvements in the Wheatland Addition. Per Administrative Regulation 7a, staff recommends the selection of Moehring because Moehring provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$13,750, and will be paid by special assessments.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

KDOT

SUPPLEMENTAL AGREEMENT FOR 25TH STREET BRIDGE AT CHISHOLM CREEK. (District VI)

Agenda Report No. 00-0210.

On November 28, 1996, the City Council approved an Agreement with the Kansas Department of Transportation (KDOT) for construction of a bridge on 25th Street at Chisholm Creek.

At the request of the City, KDOT has added funding to the 25th Street North Bridge project to include the paving of 25th Street North on either side of the new bridge to provide paved approaches to the bridge from Wellington Place to Market. As a result, the City/State Agreement on file for the bridge project is being revised to reflect this change to the scope of the project.

Building a new bridge at the 25th Street now provides a continuous roadway to 25th from Broadway to the Interchange at I-235.

KDOT will reimburse the City for 80% of the cost of construction and construction engineering services. The funding source for the City's share is General Obligation Bonds.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

DESIGN SERVICE

SUPPLEMENTAL AGREEMENT FOR DESIGN SERVICE FOR THE ARKANSAS RIVER BIKEPATH BETWEEN 13TH AND CENTRAL. (District VI)

Agenda Report No. 00-0211.

As part of the Federal Intermodal Surface Transportation Efficiency Act (ISTEA) approved by Congress in 1991, and the current Transportation Equity Act for the 21st Century (TEA-21), the Federal government earmarked a portion of Federal transportation funds for transportation enhancement projects. These funds were specifically earmarked for transportation and transportation related projects in three categories - science and environmental, historic and recreational. One of the previously approved and constructed projects, was the pedestrian/bicycle path

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along the west bank of the Arkansas River between Central and 13th Street North. The project was designed by Baughman Company in 1996 and constructed by Ferguson Paving in 1998.

In order to preserve and enhance the riverbank area along this same section of the Arkansas River, to re-establish native plant materials in this area and to develop an educational experience for people that might want to learn more about native plants, the City applied for a supplemental Federal grant to enhance the riverbank. The project is intended to provide the following types of enhancements:

- ? Picnic area and shelter
- ? Drinking fountain
- ? Nature grasses and wildflowers
- ? Trees and shrubs
- ? Rest areas
- ? Interpretive marker system

Staff and Baughman have negotiated a Supplemental Agreement for Baughman to continue with the complete development of the pathway system as contemplated by Staff and Baughman at the time Baughman prepared the initial plans for the bicycle path construction.

The proposed Supplemental Agreement between the City and Baughman provides for engineering services to design enhancements to the Arkansas River Bikepath between 13th Street and Central Avenue that was approved by the Kansas Department of Transportation for 80% Federal construction funding. The City Council approved this project on January 11, 2000.

Payment will be on a lump sum basis of \$26,000. The funding source is General Obligation Bonds. Funding for the project is included in the 2000 Capital Improvement Program.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

(Agenda Item No. 27h)
LIQUOR TAX

SPECIAL LIQUOR TAX FUNDS ADMINISTRATION AGREEMENT.

Agenda Report No. 00-0212.

Since 1997, the City has been reviewing the Special Liquor Tax allocations that fund alcohol and substance abuse providers. As part of this review process, a consultant was hired to work with providers to develop outcome-based measurements and to evaluate achievement and performance. The final work product of the consultant was reviewed by the City Council on December 14, 1999.

The City Council, in December, 1999, approved funding levels for providers based upon performance; authorized funding for pilot programs; approved a change in governance to eliminate the current advisory board and to replace it with a coalition to address alcohol and substance abuse issues; and approved contracting program administration.

In response to the City Council's authorization to privatize administration of the Special Liquor Tax Program, the City solicited Request for Proposals (RFP) for program administration. Four proposals were received for this service.

The RFP outlined the required tasks associated with program administration. Proposers were requested to:

- (1) Monitor and refine the outcome-based measurements developed by the providers;
- (2) Provide financial management by reviewing/approving invoices for service;
- (3) Address changes in governance by working in partnership with Sedgwick County COMCARE to develop a coalition for governance of the Special Liquor Tax program.

In addition, the contractor will be required to provide staff to the coalition and to make appropriate programmatic and funding recommendations based upon the work of the coalition. The scope of work included in the contract will involve the development and oversight of pilot programs, including the ability to write the RFPs and participate in the Selection process. Finally, the contractor will provide a final report with recommendations on funding and to communicate findings and recommendations to the City Council.

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The City utilized a Selection Committee comprised of representatives from the private sector, Wichita State University, and City government. The Committee reviewed four proposals and conducted interviews. One of the proposals was rejected by the Committee because of a conflict of interest (City currently funds two of its programs). Additionally, the Committee did not feel the other proposals demonstrated the quality of staffing, management skills, program familiarity and outcome-based measurement experience as the recommended contractor.

The Committee unanimously recommended the proposal submitted by Public Solutions.

The strengths of the Public Solutions proposal included: (1) Familiarity and experience with the City's outcome-based measurement process; (2) Availability of quality staff with the experience and capabilities to manage this program; (3) Demonstrated skills to provide the requested services within the time frame allowed, and with the ability to build a coalition of interested individuals (knowledgeable about alcohol and substance abuse); (4) Experienced program managers with extensive knowledge of the alcohol and substance abuse field; and (5) Demonstrated superior analytical and research skills to effectuate program development and management.

The adopted Year 2000 Budget provided program funds for administration of the Special Liquor Tax fund.

This Item was deferred to the March 21, 2000, City Council meeting.

LIBRARY BOARD

RECRUITMENT SERVICES CONTRACT - LIBRARY BOARD.

Agenda Report No. 00-0213.

The Director of the Wichita Public Library has announced plans to retire later this year. In anticipation of his departure, the Library Board has implemented steps to begin the search process for his replacement. The Board desires to retain the services of a consultant to assist in the recruitment process.

Proposals were solicited from six search firms who specialize in executive search recruitment in the public sector. From that solicitation, the City received proposals from five firms. The proposals were shared with the Library Board which voted to recommend retention of the professional services of Slavin Management Consultants.

Slavin Management Consultants has assisted the City with professional searches in the past, the most recent being the Directors of Parks and Recreation and Housing. The Slavin firm will be responsible for developing a recruitment profile, assisting with recruitment/advertisement, identifying appropriate candidates, providing background and reference checks, and assisting with the interview process as necessary.

The consultant's fee for recruitment is \$10,000, plus expenses. Funds are available from the Library's operating budget to offset the recruitment and selection costs.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

HYATT WATERWALL

LEGAL SERVICES CONTRACT - HYATT WATERWALL.

Agenda Report No. 00-0214.

The City has been involved in discussions with the designers and contractor on the Hyatt Waterwall project regarding operational and structural problems with the waterwall. In October 1998, the City entered into a contract with the firm of Hinkle, Eberhart & Elkouri, L.L.C. to represent the City's legal interests in this matter.

This has involved significant investigation and research by outside counsel and an expert engineering witness. It is anticipated that significant legal work will continue over the next several months while the City attempts to resolve this matter through negotiation or litigation. The estimated fees and expenses to pursue this matter for that period of time is \$50,000. This will require an amendment to the existing contract.

Legal fees will be paid from the 2000 general liability internal service fund.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

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TRANSPORTATION

TRAVEL DEMAND FORECASTING CONTRACT AMENDMENT TO UPDATE TRANSPORTATION PLAN.

Agenda Report No. 00-0215.

Federal transportation planning regulations require Metropolitan Planning Organizations to update the Transportation Plan every five years, and perform certain technical functions. Mr. Vic C. Shen was awarded a professional service contract to assist MAPD staff with the ongoing update process. The initial contract was for \$40 per hour, with an amount not to exceed \$9,999. A second contract was approved by the City Council on November 2, 1999 for a maximum payment of \$10,000. Professional services totaling nearly \$20,000 have been provided to date; therefore, the contract needs to be amended so Mr. Shen can continue to work on certain technical functions to complete the Transportation Plan and to assist with other transportation planning work items.

The proposed contract amendment is for \$40 per hour, with an amount not to exceed \$20,000. The proposed contract amendment will fund technical activities associated with travel demand modeling and technical documentation. The results of these studies will be part of the Transportation Plan 2030.

Federal Planning Funds available to the Metropolitan Area Planning Department will be used to fund this contract. No local funds are necessary.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

HOME DEVELOPMENT

WICHITA INDOCHINESE CENTER (WIC)/MENNONITE HOUSING REHABILITATION SERVICES (MHRS); EXTENSION OF HOME DEVELOPMENT AGREEMENT.

Agenda Report No. 00-0216.

Wichita Indochinese Center (WIC) and Mennonite Housing Rehabilitation Services (MHRS), city-designated Community Housing Development Organizations, were awarded HOME funding by the City Council in the amount of \$225,000, April 23, 1996. The HOME funding was to be utilized by the agencies to create affordable housing opportunities in the Planeview area. A funding agreement was negotiated, which expired June 30, 1999.

WIC and MHRS have requested amendment of the funding agreement in order to proceed with the project. In addition to extending the agreement, the contract amendment would specify that projects undertaken with the funding would result in homeownership opportunities.

The contract amendment will not provide for any additional funding, other than the amount originally approved by the Council.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

(Agenda Item No. 27m)

OMNISPHERE

OMNISPHERE REPAIRS AND MODIFICATIONS CONTRACT. (District I)

Agenda Report No. 00-0217.

The City Council approved a project to begin renovations to the Omnisphere building on October 26, 1999. The work is intended to protect and preserve the building.

Staff invited proposals from fifteen (15) local architectural firms. Of those invited, four responded. The Staff Screening & Selection Committee interviewed two firms and selected Randal Steiner for the architect on this project.

Randal Steiner has significant experience with historically significant buildings and dealing with the State of Kansas Historical Preservation Board. Work is intended to repair and replace elements such as the windows, doors, roof scuppers, exterior surfaces and repair of interior wall damage that resulted from leaks. It is anticipated that the necessary repairs can be achieved in 2000-2001 with the termination of the Omnisphere activities.

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The Council has approved the 2000 and 2001 CIP (PB-350007) which contains funding for repairs and modifications in the amount of \$342,000. Mr. Steiner's fees will be \$7,500 for planning and schematic design. Mr. Steiner will be paid an additional 6-1/4% of the cost of construction for the remaining architectural and engineering services including determining the best materials and work methods, developing drawings and specifications, and monitoring construction.

Mayor Knight

Mayor Knight declared a conflict of interest on this Item and abstained from participation.

Motion --
-- carried

Rogers moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Knight abstained)

(Agenda Item No. 27n)
ELECTRIC STUDY

MUNICIPAL ELECTRIC UTILITY FEASIBILITY STUDY CONSULTANT CONTRACTS.

Joe Pajor

Natural Resources Director reviewed the Item.

Agenda Report No. 00-0218.

On November 23, 1999, the City Council received the Final Report of the Municipal Electric Utility Task Force. At that time, the Council directed the City Manager to implement the recommendations contained in the report. Recommendation #5 provided for a feasibility study to determine the legal, engineering, and economic feasibility of the Wichita Electric Utility providing electric service to customers in and within three miles of the city limits.

A Request for Proposals (RFP) was issued on December 8, 1999.

The Request for Proposals was mailed to 33 firms nationally. Two responses were received. The customary Staff Screening and Selection Committee (SSSC) membership was augmented by outside individuals with legal, engineering, financial, and academic expertise related to the electric utility industry.

After an evaluation process based on the written proposals, reference checks, sample work product review, and interviews with the key team members, the Staff Screening and Selection Committee unanimously recommended the team that included R. W. Beck for engineering and financial analysis and Duncan & Allen and Triplet, Woolf & Garretson, LLC for legal services.

Each firm provided hourly rates for all of the staff that will be working on the study. Actual billings will be determined by the actual number of hours spent on this study and the rates provided. The total amount to be paid for consulting services (including expenses) for both of these Contracts together will not exceed \$300,000.

On November 23, 1999 the City Council took action to appropriate funding in this amount from the General Fund Appropriated Reserves. These funds were placed into a project account, which is available to cover these anticipated expenses.

Joe Pajor

Natural Resources Director explained that Staff is working with the consultant to look at moving quickly forward with meeting the electrical energy needs of the water treatment and pumping facilities, the waste water treatment facilities at Plant Two, and the Mid-Continent Airport.

During the course of the study, progress reports will probably be given in workshop settings on issues as they develop.

The street lighting study had to be put on the side for the moment. It is obvious, from the scope of work that has been negotiated with the consultant for the over-all study, that initially street lighting will be included areas The City is looking at acquiring. If for some reason that study would determine the City should not go forth with the general municipilization of the system, then the street lighting study would proceed.

Mayor Knight

Mayor Knight said that as long as Western Resources and the Kansas Corporation Commission continue not to acknowledge the economic injustice of this rate disparity, there will continue to be aggressive, continued action.

Council Member Rogers

Council Member Rogers asked that Staff, in connection with the street lighting program, look at what has been done in downtown San Diego.

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Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

DESIGN SERVICES

DESIGN SERVICES AGREEMENT FOR FAIRVIEW - 26TH STREET NORTH TO 27TH STREET NORTH, AND WATER DISTRIBUTION SYSTEM. (District VI)

Agenda Report No. 00-0219.

The City Council approved the project on February 15, 2000.

The proposed Agreement between the City and Certified Engineering Design provides for the design of Fairview, 26th Street North to 27th Street North and Water Distribution No. 448 89441. The Staff Screening & Selection Committee selected Certified Engineering for the design on December 29, 1999.

Payment will be on a lump sum basis of \$10,394, and will be paid by special assessments.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

KGE/WESTERN ELEC.

RELOCATION OF KGE AND WESTERN ELECTRIC FACILITIES AGREEMENT AT PAWNEE AND WEBB. (District II)

Agenda Report No. 00-0220.

The 2000 Capital Improvement Program includes a project to reconstruct Pawnee Street, from Oak Knoll to Webb Road. On December 14, 1999, the City Council approved widening Pawnee to four lanes, installing sidewalks on both sides of the street, and landscaping the available right-of-way. Existing KGE and Western Resources electrical lines will have to be relocated to accommodate the roadway improvements.

The electrical facilities are currently located in a private easement outside the street right-of-way. Because of this, the cost to relocate the facilities must be paid by the City.

The cost to relocate both lines is \$68,150 (\$22,150 for KGE and \$46,000 for Western Resources). Funds are available in the project account (funded by General Obligation bonds) to provide for this expense.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

RESPREAD SPECIALS

AGREEMENT TO RESPREAD ASSESSMENTS: BELLE TERRE SOUTH SECOND ADDITION. (District II)

Agenda Report No. 00-0221.

The developer, Belle Terre Grand, L.C., platted Belle Terre South 2nd Addition and has submitted an Agreement to respread special assessments within the Addition.

The land was originally included in an improvement district for a water distribution system project. The purpose of the Agreement is to respread special assessments on an equal share basis for each lot. Without the Agreement, the assessments will be spread on a square foot basis. The agreement will equalize the assessments for each lot, making it easier for the developer to market the lots.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

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RESPREAD SPECIALS AGREEMENT TO RESPREAD ASSESSMENTS: CHAPEL HILL ADDITION. (District II)

Agenda Report No. 00-0222.

The Board of Trustees of Chapel Hill Fellowship of The United Methodist Church, platted Chapel Hill Addition and has submitted an Agreement to respread special assessments within the Addition.

The land was originally included in an improvement district for a water supply line project. The purpose of the Agreement is to respread special assessments on an equal share basis for each lot. Without the Agreement, the assessments will be spread on a square foot basis. The agreement will equalize the assessments for each lot, making it easier to market the lots.

Motion -- Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion
-- carried carried 7 to 0.

RESPREAD SPECIALS AGREEMENT TO RESPREAD ASSESSMENTS: OAK RIDGE THIRD ADDITION. (District V)

Agenda Report No. 00-0223.

The developer, Freedom Development, Inc., platted Oak Ridge 3rd Addition and has submitted an Agreement to respread special assessments within the Addition.

The land was originally included in several improvement districts for a number of public improvement projects. The purpose of the Agreement is to respread special assessments on an equal share basis for each lot. Without the Agreement, the assessments will be spread on a square foot basis. The agreement will equalize the assessments for each lot, making it easier for the developer to market the lots.

Motion -- Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion
-- carried carried 7 to 0.

RESPREAD SPECIALS AGREEMENT TO RESPREAD ASSESSMENTS: BRADLEY FAIR SECOND AND THIRD ADDITIONS. (District II)

Agenda Report No. 00-0224.

The developers, Vantage Point Properties, Inc., Laham Holding Company, L.L.C. and TMH Hotels, Inc., owns portions of Bradley Fair 2nd Addition and Bradley Fair 3rd Addition and have submitted three Agreements to respread special assessments within their ownership in the Additions.

The land was originally included in numerous improvement districts for a number of public improvement projects. The purpose of the Agreements is to respread special assessments to more fairly distribute the cost of the improvements.

Motion -- Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion
-- carried carried 7 to 0.

RESPREAD SPECIALS AGREEMENT TO RESPREAD ASSESSMENTS: WILSON FARMS SECOND ADDITION. (District II)

Agenda Report No. 00-0225.

The developers, Barbara W. Waddell and Kevin M. Mullen, President of Wilson Residential Company, L.L.C., Ritchie Associates, Inc., platted Wilson Farms 2nd Addition and have submitted an Agreement to respread special assessments within the Addition.

The land was originally included in several improvement districts for a number of public improvement projects. The purpose of the Agreement is to respread special assessments on an equal share basis for each lot. Without the Agreement, the assessments will be spread on a square foot basis. The agreement will equalize the assessments for each lot, making it easier for the developer to market the lots.

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Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

EXPO HALL

EXPO HALL WEATHERPROOFING CHANGE ORDER. (District I)

Agenda Report No. 00-0226.

A project to repair and replace caulking joints in the Expo Hall concrete and metal siding was bid in October, 1999 and approved by the Council on October 12, 1999. The project is funded by Convention and Tourism funds and is underway. During the work, the Contractor, Mid-Continental Restoration Co., Inc., discovered additional deficiencies on the skylight structure, which are not included in the Contract. Mid-Continental has agreed to perform these needed repairs, and clean the area affected at an added cost of \$15,000.

These repairs are needed to prevent unnecessary deterioration of the skylight structure.

The 1999 Convention and Tourism budget has \$111,000 budgeted for this work. The Contract with Mid-Continental Restoration is in the amount of \$71,495.00. The Change Order will increase the Contract to \$86,495.00.

Motion -- carried

Knight moved that the change order be approved and the necessary signatures be authorized. Motion carried 7 to 0.

CHENEY MOU

AMENDMENT TO MEMORANDUM OF UNDERSTANDING - NATURAL RESOURCES CONSERVATION SERVICE.

Agenda Report No. 00-0227.

Cheney Reservoir, one of Wichita's major sources of water, provides over 60% of Wichita's annual water supply. Cheney will play an even larger role in meeting the City's water supply needs in the future. On October 29, 1996, the City Council approved an MOU with the NRCS to assist in the implementation of practices that will help improve the water quality in Cheney Reservoir.

It has been determined that Cheney Reservoir has two environmental quality issues: sedimentation and phosphates. Sediment washes into the reservoir from soil erosion, displaces water, and is a major factor in determining the "life" of the reservoir. Measurements of phosphates in the North Fork of the Ninnescah River and in the reservoir indicate phosphate levels higher than desired. High phosphate levels can lead to an increase in microscopic plant activity, thus increasing taste and odor problems in the water.

The MOU with the NRCS, approved in 1996, committed the City to provide cost-sharing for projects installed under the Environmental Quality Incentive Program. This approach has been very successful, contributing to the completion of over 1,700 water quality improvement projects.

The NRCS, along with the Citizens Management Committee, is recommending a modification to the original MOU to increase incentive payments for Proper Grazing Use, Planned Grazing, and Nutrient Management programs. The intention is to encourage more participation in the project. The modification will increase by \$3 per acre the incentive to participate in the Proper Grazing Use, \$3 for the Planned Grazing Systems, or \$9 per acre for participation in the Nutrient Management program. Prospective projects will continue to be approved by the Citizens' Management Committee and the Reno County Conservation Commission before becoming eligible for funding.

The modification will allow more producers to be eligible to participate. Other sources of funding include the EPA, the State Water Plan, the USDA (Water Quality Incentive Program \$350,000 and Agricultural Conservation Program Special Projects). The additional sources have helped to diversify the cost of any cleanup projects among numerous funding sources.

Motion -- carried

Knight moved that the amendment be approved and the necessary signatures be authorized. Motion carried 7 to 0.

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HOME FUNDS

ALLOCATION OF HOME FUNDS - GRANVILLE LOTS. (District I)

Agenda Report No. 00-0228.

n July 1, 1994, the City provided HOME CHDO funds to Northeast CDC to purchase 7 lots in Granville. Four (4) of the lots remained undeveloped at the time that the CDC discontinued operations. Due to the nature of HOME funding, the lots must be developed for affordable housing or the HOME account must be repaid for the expenses previously paid by HOME. The undeveloped lots include 1426 E 12th, 1304 N Mathewson, 1302 N Mathewson, and 1305 N Mathewson. The City will obtain ownership and demolish one remaining structure prior to transfer to Habitat. The additional costs will be paid utilizing HOME funds.

The transfer of the properties to Habitat for Humanity will satisfy HOME funding requirements and will also ensure that the new homes are affordable. The agreements with Habitat for Humanity would require single-family construction on the lots and would permit 100% forgiveness of the HOME funding over a 5-10 year period if the homes are occupied by households at or below 80% of median income. The action allows the lots to be developed by a substitute non-profit. Repayment of the federal funds used to purchase the lots is not required.

Mortgages and forgivable loan agreements will be established with Habitat for Humanity providing for the \$56,177.60 expended on the 4 lots for acquisition and demolition with HOME funds. Funding for demolition and related costs is available from unallocated HOME funds.

Motion --
-- carried

Knight moved that allocation of HOME funds be approved and the necessary signatures be authorized. Motion carried 7 to 0.

TOWERS

LEASING OF ANTENNA SITE ON MCLEAN MANOR TO CELLULAR ONE. (District VI)

Agenda Report No. 00-0229.

McLean Manor is an eight-story apartment structure located at 9th Street and McLean Avenue that is operated by the Wichita Housing Authority. It has been determined that the roof of McLean Manor at 2527 West 9th Street is a suitable site for wireless facility installation. A wireless service provider, Cellular One has approached the City about utilizing the roof for this type of use. AT&T Wireless has previously entered into a similar agreement for use of this facility. Per the terms of the agreement with AT&T, they have reviewed Cellular One's plans and have found no conflicts.

Cellular One has agreed to the standard City lease. The lease agreement provides for a 10-year term. Annual rental for the first three years is \$10,000 per year. The first three years will be prepaid at lease commencement. Rent for years four and five is \$12,000 with rent for years six through ten at \$13,800. The lessee is required to assure protection of the roof and minimize disturbance of the tenants. To this end, a performance bond and liability insurance is required. Construction and operation must be in accordance with the conditions in the lease and plans approved by the City. Cooperation and coordination is required among multiple tenants.

The Housing Department will receive rent revenues as described above. In addition, they will be responsible for all costs of installation and maintenance of their facility.

Motion -- carried

Knight moved that the Lease be approved and the necessary signatures be authorized. Motion carried 7 to 0.

PROPERTY ACQ.

ACQUISITION OF SITE FOR LIFT STATION TO SERVE THE NORTHWEST SEWER FACILITY. (District V)

Agenda Report No. 00-0230.

The City is in the process of designing the system needed for the new Northwest Sewer Facility. Due to topography, part of this support system includes lift stations at specific locations in the service area. One such area is in the vicinity of 21st Street North and 135th Street West. The owner of a site at the southeast corner of this intersection has agreed to sell his property to the City for this purpose. The property contains approximately 4.7 acres and is developed with a single-family house, a large workshop and several other outbuildings.

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A purchase price of \$180,000 has been negotiated. The lift station facility will be sited towards the rear of the property and disguised as a residential structure. The area will be landscaped and buffered. There may be some surplus land at the corner that could be resold at some future time.

The budget of \$190,000 includes \$180,000 for acquisition, \$5,000 for demolition and \$5,000 for survey, closing, and title work. The project will be funded by the sewer utility. The CIP includes \$433,000 for 2000 expenses.

Motion --
-- carried

Knight moved that the budget and the Contract be approved; and the necessary signatures be authorized
Motion carried 7 to 0.

PROPERTY ACQ.

ACQUISITION OF 447 LEXINGTON - EAST KELLOGG IMPROVEMENT PROJECT. (District II)

Agenda Report No. 00-0231.

In October of 1998, staff was instructed to pursue opportunity purchases in the Kellogg corridor. Opportunity purchases arise when an owner contacts the City and indicates a willingness to sell their property. The owner of 447 Lexington, Kansas Real Estate Development, Inc., has expressed an interest in selling this property to the City. The site contains 9,360 square feet and is improved with a 1,440 square foot brick, ranch-style single family residence. The property has three bedrooms and one and a half baths. The planned expansion of Kellogg will require the removal of the improvements and utilization of the entire site.

The property was appraised at \$87,000 and the owner has agreed to sell the property for this amount. The property appears to be in good condition with no deferred maintenance noted. The residence will be leased until is needed for highway project.

The Capital Improvement Program includes funds for opportunity acquisitions. The funding source will be General Obligation Bonds. A budget of \$93,000 is requested. This includes \$87,000 for the acquisition and \$5,000 for demolition and \$1,000 for closing costs and title insurance.

Motion --
-- carried

Knight moved that the budget and the Contract be approved; and the necessary signatures be authorized
Motion carried 7 to 0.

PROPERTY ACQ.

ACQUISITION OF SOUTHEAST CORNER OF 1ST STREET AND WASHINGTON FOR OLD TOWN PARKING. (District I)

Agenda Report No. 00-0232.

The southeast corner of 1st Street and Washington was originally improved with three small commercial buildings. The sellers acquired the corner and an additional ownership to the south with the intent of developing a restaurant. To this end, they cleared the site of all improvements. They have recently reevaluated the situation and decided to sell the parcel rather than develop it. The site contains 18,120 square feet, zoned LC and has been cleared of all improvements.

The owners have agreed to sell the property for \$188,000 (\$10.37 per square foot). The property will be redeveloped as a surface parking lot and will be incorporated into the Old Town parking district. Depending on how it is designed, the lot should provide approximately 75 additional spaces.

The City has funding available for acquisition expenses from the 1983 Home Improvement Mortgage Revenue Bond program which has been closed out and all bonds retired. A budget of \$190,000 is requested. This includes \$188,000 for the acquisition and \$2,000 for closing costs and title insurance.

Motion --
-- carried

Knight moved that the budget and the Contract be approved; and the necessary signatures be authorized
Motion carried 7 to 0.

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PROPERTY ACQ.

PROPERTY ACQUISITION FINANCING.

This Item was pulled from the Agenda.

PROPERTY DISP.

SALE OF SURPLUS PROPERTY LOCATED AT THE SOUTHWEST QUADRANT OF OSAGE AND MCLEAN NORTH. (District VI)

Agenda Report No. 00-0234.

An offer of \$7,500 has been received from Robert Freeman for the City-owned parcel located in the southwest quadrant of Osage and McLean. The tract was acquired from RW Properties in 1994 in conjunction with the improvement and realignment of McLean Boulevard. The site is zoned LI, Limited Industrial. The parcel is irregularly shaped and contains approximately 15,500 square feet. Osage does not intersect with McLean, instead ending adjacent to the property. The parcel has no access to McLean. The purchaser owns the adjacent property to the south.

The offer calculates to approximately \$.50 per gross square foot or approximately \$1.00 per usable square foot. The purchaser intends to expand and renovate his existing building. The plans call for a new façade and upgrade of the building exterior. The buyer has agreed to develop and maintain a 20-foot landscape buffer, to be approved by the City, along McLean. The buyer has also agreed that there will be no outdoor displays, portable signs or banners on the property and there will be no access to McLean.

The City will receive cash consideration from the sale of the property at closing. Upon sale, this property will return to the tax rolls.

Motion -- carried

Knight moved that the sale be approved and the necessary signatures be authorized. Motion carried 7 to 0.

CENTURY II

CENTURY II DOOR HARDWARE. (District I)

Agenda Report No. 00-0235.

Century II is more than 30 years old. Much of the door hardware is wearing out and many of the parts are now obsolete and cannot be obtained. Repairs are required more frequently, and the doors often do not automatically latch and lock. The concealed closures are beginning to squeak. These problems present a security risk when visitors leave the building and the doors do not lock behind them.

These doors need new hardware to function at an acceptable level and to keep the building secure.

The 2000 Convention and Tourism budget has \$100,000 budgeted for this work.

Motion -- carried

Knight moved that the project be approved. Motion carried 7 to 0.

(Addendum No. 35a)

AERIAL PHOTO.

AERIAL PHOTOGRAPHY SERVICES – SELECTION OF VENDOR.

Agenda Report No. 00-0257

In a joint purchasing cooperative effort, Sedgwick County and the City of Wichita accepted proposals for Aerial photography services on January 7, 2000. With the high growth in Wichita over the past few years, new aerial photography is necessary to replace existing out-of-date aerial photography. Aerial photography is typically updated once every three years and serves as the base layer from which all other Geographic Information System (GIS) layers are created and maintained. Several City departments use Aerial Photography for a variety of projects and presentations, but its most critical purpose is to aid in updating all of the GIS layers associated with it.

Representatives from all involved entities were a part of the Selection Committee that reviewed the five proposals. Since aerial photography is the base of all our GIS layers, the committee reviewed the proposals with the “accuracy” criteria as one of the most critical evaluation elements. Other criteria included experience, cost, and quality of work. Based on these criteria, Markhurd was selected for the Aerial Photography Services.

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The total expenditure for these services will be \$328,047.00 with \$101,505.00 funded by Water & Sewer, \$28,000.00 by Planning for hard copy mylars, and the remaining \$198,542.00 by Sedgwick County for Aerial Photography in the County. The City funding has been budgeted and approved by the Water & Sewer Department, and the Planning Department.

Motion -- carried

Knight moved that the selection of Markhurd be approved for aerial photography services. Motion carried 7 to 0.

CONDEMNATIONS

REPAIR OR REMOVAL OF DANGEROUS AND UNSAFE STRUCTURES.

Agenda Report No. 00-0236.

On February 7, 2000, the Board of Code Standards (BCSA) held a hearing on the following four (4) properties. These properties are considered dangerous and unsafe structures, and are being presented to schedule a condemnation hearing before the Governing Body.

Improvement notices have been issued on these structures, however, compliance has not been achieved. Pre-condemnation and formal condemnation letters were issued and the time granted has expired. No action has been taken to repair or remove these properties.

	<u>Address</u>	<u>District</u>
1.	1609 East 15th Street North	I
2.	614 West 22nd Street North	VI
3.	2017 West Walker	IV
4.	1201 West 51st Street North	IV

These structures have defects that under Ordinance No. 28-251 of the Code of the City of Wichita, shall cause them to be deemed as dangerous and unsafe buildings, as required by State Statute for condemnation consideration.

Motion --
-- carried

Knight moved that the Resolutions placing this matter on the agenda for a Hearing before the Governing body on April 18, 2000, at 11:00 a.m. be approved. Motion carried 7 to 0.

RESOLUTION NO. R-00-082

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, at which the owner, his agent, lienholders of record and occupants of the structure located on land described as: Lots 13 and 15, on 15th Street, in Spring Grove Second Addition to Wichita, Sedgwick County, Kansas, known as 1609 East 15th Street North, in said City may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous or unsafe structure, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RESOLUTION NO. R-00-083

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, at which the owner, his agent, lienholders of record and occupants of the structure located on land described as: the east 51 ft. of Lots 49, 51, 53, on Arkansas Avenue in Rosenthal's Subdivision of Myers and Snyders Out Lots to the City of Wichita, in Sedgwick County, Kansas (House). Lots 50, 52, on Rosenthal Avenue, in Rosenthals' Subdivision of Myers and Snyders Out Lots to the City of Wichita, Sedgwick County, Kansas, known as 614 West 22nd Street North, in said City may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous or unsafe structure, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

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RESOLUTION NO. R-00-084

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, at which the owner, his agent, lienholders of record and occupants of the structure located on land described as: Lots 41 and 43 and the north two-feet of Lot 45, Block G, Sherman's Addition to Wichita, Sedgwick County, Kansas, known as 2017 West Walker, in said City may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous or unsafe structure, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RESOLUTION NO. R-00-085

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, at which the owner, his agent, lienholders of record and occupants of the structure located on land described as: Lot 1, Block E, Pippin Second Addition to Wichita, Sedgwick County, Kansas, known as 1201 West 51st Street North, in said City may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous or unsafe structure, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

WATER RESOLUTION

AMENDING RESOLUTION: WATER DISTRIBUTION SYSTEM ALONG 151ST STREET WEST, NORTH OF KELLOGG. (District V)

Agenda Report No. 00-0237.

On February 10, 1998, the City Council approved a Petition to extend a waterline along 151st Street West to serve Auburn Hills 5th Addition. The pipeline was oversized to serve future development beyond the improvement district. The cost of the oversizing is paid by the Water Utility.

An Amending Resolution has been prepared which authorizes the Water Utility share of the project.

The project cost is \$165,334, with \$86,469 paid by the Water Utility and \$78,865 assessed to the improvement district. There is no increase in the improvement district cost.

Motion -- carried

Knight moved that the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. R-00-081

A Resolution amending Resolution No. R-98-035 of the City of Wichita, Kansas, authorizing construction of Water Distribution System Number 448-89233 (north of Kellogg, east of 151st Street West) in the City of Wichita, Kansas, pursuant to the findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

ORDINANCES

THIRD READING ORDINANCE: (FIRST READ FEBRUARY 8, 2000, AND FEBRUARY 15, 2000)

- a. Franchise - Sedgwick County Electric Cooperative Association.

ORDINANCE NO. 44-498

An Ordinance granting to Sedgwick County Electric Cooperative Association, Inc., its successors and assigns, an electric light, heat, and power franchise and prescribing the terms of said grant and relating thereto, read for the third time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

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SECOND READING ORDINANCE: (FIRST READ FEBRUARY 15, 2000)

a. SCZ-0734- south side of 29th Street North, on the west side of Greenwich. (District II)

ORDINANCE NO. 44-499

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita, Kansas Code Section 28.04.210, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight. SCZ-0734.

FIRST READING ORDINANCE - SIDEWALK REPAIR.

Motion -- carried

Knight moved that the Ordinance be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance making a special assessment to pay for the improvement of and providing a tax levy for the cost of construction of sidewalks in the City of Wichita, Kansas, introduced and under the rules laid over.

PLANNING AGENDA

Marvin Krout

Director of Planning stated that Items 41-48, 50, 53,-and 54 could be considered as consensus Items unless the Council desired to withhold other items.

Motion --
-- carried

Knight moved that Planning Agenda Items 41-48, 50, 53,-and 54 be approved as consensus Items. Motion carried 7 to 0.

V-2213

V-2213 – VACATION OF UTILITY EASEMENT LOCATED WEST OF STACKMAN DRIVE ON THE SOUTH SIDE OF PINE STREET. (District VI)

Agenda Report No. 00-0238.

Staff Recommendation: Approve vacation of a utility easement.
MAPC Recommendation: Approve vacation of a utility easement. (unanimous)

The applicant is requesting to vacate a platted 10-foot utility easement. This is the site of the Wichita Art Museum and the City of Wichita plans to expand the main building.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

Motion --
-- carried

Knight moved that the vacation be approved and the and the necessary signatures be authorized. Motion carried 7 to 0.

V-2214

V-2214 – VACATION OF A PORTION OF A 30-FOOT PLATTED STREET-SIDE BUILDING SETBACK LOCATED SOUTH OF MAPLE AND WEST OF TYLER ON THE NORTHWESTERLY CORNER OF CALLAHAN STREET AND WESTFIELD AVENUE - 511 SOUTH WESTFIELD. (District V)

Agenda Report No. 00-0239.

Staff Recommendation: Approve vacation of a portion of a 30-foot platted street-side building setback.
MAPC Recommendation: Approve vacation of an portion of a 30-foot platted street-side building setback. (unanimous)

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The applicant is requesting to vacate 15 feet of a platted 30-foot street-side building setback. The applicant wishes to build a detached garage that opens onto the existing driveway. The remaining setback along Callahan Street would be 15 feet and within the guidelines set forth by the Unified Zoning Code for the "SF-6" Single-Family Residential District.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

Motion --
-- carried

Knight moved that the vacation be approved and the and the necessary signatures be authorized. Motion carried 7 to 0.

D-1781

D-1781 – DEDICATION OF A UTILITY EASEMENT LOCATED SOUTH OF PAWNEE ON THE EAST SIDE OF MERIDIAN. (District IV)

Agenda Report No. 00-0240.

MAPC Recommendation: Accept the Dedication.

This Dedication is a requirement of a Lot Split (Case No. L/S 1013), and is being dedicated for the purpose of construction and maintenance of public utilities.

The Dedication has been reviewed and approved by the Planning Commission.

Motion -- carried

Knight moved that the document be received and filed. Motion carried 7 to 0.

D-1782

D-1782 – DEDICATION OF STREET RIGHT-OF-WAY LOCATED SOUTH OF PAWNEE ON THE EAST SIDE OF MERIDIAN. (District IV)

Agenda Report No. 00-0241.

MAPC Recommendation: Accept the dedication.

As a requirement of an associated Lot Split (Case No. L/S 1013), this Dedication is being made for the purpose of additional street right-of-way.

The dedication has been reviewed and approved by the Planning Commission.

Motion -- carried

Knight moved that the document be received and filed. Motion carried 7 to 0.

S/D 98-96

S/D 98-96 – PLAT OF HWS STABLES AT HOLLENBECK FARMS ADDITION LOCATED ON THE SOUTH SIDE OF 13TH STREET NORTH, EAST OF 143RD STREET EAST. (District II)

Agenda Report No. 00-0242.

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (12-0)

This plat is zoned SF-20, Single-Family Residential and is located in the County within three miles of Wichita's City limits. The site will use the County's Four Mile Creek sanitary sewer system and a petition for sewer improvements will be handled by the County. Although this site is located in the County, water service will be provided from Wichita and a petition, 100%, has been submitted for municipal water improvements. Both City and County Certificates of Petition have also been submitted. An Outside-the-City Water Agreement has also been provided. An off-site utility easement was also submitted.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

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The Certificates of Petitions and utility easement will be recorded with the Register of Deeds.

Motion --
-- carried

Knight moved that the documents and plat be approved; the Resolution be adopted; and the necessary signatures be authorized. Motion carried 7 to 0.

RESOLUTION NO. R-00-093

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89461 (south of 13th, east of 143rd Street East) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

S/D 99-31

S/D 99-31- PLAT OF WOODLAND WESTFIELD SECOND ADDITION LOCATED ON THE NORTH SIDE OF MAPLE, WEST OF TYLER. (District V)

Agenda Report No. 00-0243.

Staff Recommendation: Approve the plat.
MAPC Recommendation: Approve the plat. (12-0)

This replat is zoned SF-6, Single-Family Residential.

A petition, 100%, has been submitted for sewer, water and paving improvements. To provide for access to Lot 10, an access easement has been provided. To provide for off-street parking for lots adjacent to narrow streets, a covenant has also been submitted requiring that four (4) off-street spaces be provided for such lot. In order to allow for the platting of a street with a narrow or nonstandard right-of-way dedication, a 15-foot street, drainage, and utility easement was platted with a covenant restricting the use of easements.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Certificate of Petitions, access easement and restrictive covenants will be recorded with the Register of Deeds.

Motion --
-- carried

Knight moved that the documents and plat be approved; the Resolutions be adopted; and the necessary signatures be authorized. Motion carried 7 to 0.

RESOLUTION NO. R-00-094

Resolution of findings of advisability and Resolution authorizing construction of Lateral 32, Main 1, Westlink Sewer (north of Maple, west of Tyler), Project No. 468-83082, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RESOLUTION NO. R-00-095

Resolution of findings of advisability and Resolution authorizing improving of Byron Court from the west line of Byron Street, west and south to and including the cul-de-sac, Project No. 472-83206 (north of Maple, west of Tyler) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight

S/D 99-39

S/D 99-39 - PLAT OF HUNTER HEALTH CLINIC ADDITION LOCATED ON THE NORTHWEST CORNER OF CENTRAL AND GROVE. (District I)

Agenda Report No. 00-0244.

Staff Recommendation: Approve the plat.
MAPC Recommendation: Approve the plat. (10-0)

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A zone change (Z-3265) from TF-3, Two-Family Residential to GO, General Office was approved for a portion of this site subject to platting.

A petition, 100%, has been submitted for paving and sidewalk improvements. A Certificate of Petitions has also been submitted.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days. Publication of the Ordinance should be withheld until such time as the Plat is recorded with the Register of Deeds.

The Certificate of Petitions will be recorded with the Register of Deeds.

Motion --
-- carried

Knight moved that the Plat be approved; the necessary signatures be authorized; the Ordinance Z-3265 be placed on first reading; and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. R-00-096.

Resolution of findings of advisability and Resolution authorizing improving of alley adjacent to the south and west lines of aforesaid Lot 2, and; sidewalk along Grove adjacent to the east line of aforesaid Lot 2, Project No. 472-83207 (north of Central, west of Grove) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Section 28.04.210, the Code of the City of Wichita, Kansas introduced and under the rules laid over. Z-3265

S/D 99-75

S/D 99-75 - PLAT OF HILLSIDE PARK ADDITION LOCATED ON THE NORTHEAST CORNER OF HILLSIDE AND 69TH STREET NORTH. (District I)

Agenda Report No. 00-0245.

Staff Recommendation: Approve the plat.
MAPC Recommendation: Approve the plat. (10-0)

This replat is zoned RR, Rural Residential and is located in the County within three miles of the City's boundary. The site has been approved by the Health Department for the use of on-site sanitary sewer and water facilities.

In order to provide for the ownership and maintenance of the floodway reserves, the applicant has submitted a restrictive covenant.

A restrictive covenant has been provided in accordance with County Fire Department standards to restrict location of structures.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The restrictive covenants will be recorded with the Register of Deeds.

Motion --
-- carried

Knight moved that the documents and Plat be approved and the necessary signatures be authorized. Motion carried 7 to 0.

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(Agenda Item No. 49)

CU-558

CU-558 - CONDITIONAL USE TO ALLOW A CAR WASH WITHIN 200 FEET OF A RESIDENTIAL ZONING DISTRICT LOCATED WEST OF MERIDIAN AND NORTH OF RITA. (District IV)

Marvin Krout

Director of Planning reviewed the item.

Agenda Report No. 00-0246.

MAPC Recommendation: Approve, subject to conditions (11-0).

Staff Recommendation: Approve, subject to conditions.

The applicant is requesting a Conditional Use to allow a car wash to be located within 200 feet of a residential zoning district. The application area is a 1.1 acre platted tract located west of Meridian and north of Rita. The site is currently zoned "LI" Limited Industrial.

The site plan shows an eight-bay car wash. These wash bays are located approximately 150 feet west of the east property line. The site plan also depicts five vacuums located west of the wash bays, with five parking spaces to be used for drying or vacuuming, and four vacuums located east of the wash bays, with fourteen parking spaces to be used for drying or vacuuming. The facility would have one access to Meridian and two accesses to an existing private drive on the south. A joint access to vacant property on the north would also be provided. A landscaped buffer is depicted along all property lines.

Property to the east of the site is zoned "SF-6" Single Family Residential and is developed with single family residences. Property to the south is zoned "LI" Limited Industrial and is developed with a grocery store with vacant out parcels available for additional development. Property to the north and west is zoned "LI" Limited Industrial and is developed with various offices, warehouses, and manufacturing businesses with vacant land available for additional development.

Key Unified Zoning Code car wash "supplementary use requirements" include: buildings to be located at least 35 feet from arterials and 20 feet from other street right-of-way; 60 from the lot line of any residentially zoned lot, unless the property is being used for a nonresidential use permitted by-right in the underlying district; fencing, a minimum of six feet in height shall be provided along the interior side and rear property line, when adjacent to a dwelling; all area utilized for washing or drying, including ingress and egress, shall be paved; lighting shall comply with lighting standards in the code; no string-type lighting shall be permitted and signage as per the sign code. Landscaping also will be required per the "landscape ordinance".

At the January 13, 2000 MAPC meeting, one neighboring property owner spoke against the proposed Conditional Use citing potential problems with traffic, safety, and trash. The MAPC deferred action for two weeks to allow review of this Conditional Use concurrently with a requested zone change (Z-3349) and Conditional Use (CU-551) for a car wash on property located several blocks to the north on the east side of Meridian.

At the meeting held on January 27, 2000, MAPC recommended approval (11-0) of the Conditional Use subject to the following conditions:

- A. The site shall be developed and maintained in compliance with all the requirements of Section III-D.6.f of the Unified Zoning Code.
- B. No dryers shall be associated with automatic wash bays.
- C. The applicant shall submit a landscape plan for approval by the Planning Director, prior to issuance of a building permit, that meets the ordinance's requirements.
- D. The site shall be developed in general conformance with the approved site plan. All improvements shall be completed before the facility becomes operational.
- E. Any violation of the conditions of approval shall declare the Conditional Use permit null and void.

The neighboring property owner also filed a petition protesting the proposed Conditional Use, which represents 0.45% of the property within 200 feet of the site and triggers the requirement for the City Council to consider the case.

Motion --

Gale moved that, having reviewed the record of hearing before the MAPC and in accordance with Policy 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the City Council concur with MAPC and approve the Conditional Use, subject to conditions.

-- carried

Motion carried 7 to 0.

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Z-3351

Z-3351 – ZONE CHANGE FROM “TF-3” TWO-FAMILY RESIDENTIAL TO “LC” LIMITED COMMERCIAL LOCATED NORTH OF KELLOGG AND WEST OF WOODCHUCK. (District V)

Agenda Report No. 00-0247.

MAPC Recommendation: Approve, subject to the provision of a Protective Overlay (P-O) (13-0)
Staff Recommendation: Approve the request to expand “LC” zoning, subject to the provisions of a (P-O) Protective Overlay.

The applicant requests a zone change from the “TF-3” Two-Family Residential zoning district to the “LC” Limited Commercial zoning district for the 0.55-acre platted Lots 4 and 5, of the Carriage House Plaza Addition located west of Woodchuck and south of Hendryx Lane. The application area is to be used, along with the “LC” zoned property adjacent to the south, for the future home of the Stone Mountain Carpet Mill Store, which will be re-locating from their present location because of the reconstruction of the Kellogg-Tyler intersection.

The two lots directly to the west were recently rezoned to “LC” Limited Commercial in conjunction with a Conditional Use to allow outdoor display for Ultra Modern Pool and Patio (different applicant). The MAPC approved a Protective Overlay (PO) on these two lots to provide additional buffering for the residents to the north. This PO required a masonry wall to be built along the 25-foot building setback line along Hendryx and additional landscaping within the 25-foot building setback and north of the masonry wall. For consistency with the property to the west and the commercial development in this area, a PO, which includes the restriction of access along Hendryx, should be attached to the subject property.

The properties surrounding the application area are zoned “LC” Limited Commercial to the west, south, and east. The property to the west will be used for pool and patio sales and the property to the east is currently used for financial services. The property to the south is currently vacant, but will be used in conjunction with the subject lots for general retail sales. The lots to the north are zoned “SF-6” Single-family residential and used for residential uses.

MAPC heard this case on January 27, 2000 and recommended approval 13-0, subject to the recommended Protective Overlay. No citizens were present at the MAPC hearing to speak in favor or against this request.

Motion --

Knight moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the recommendation of the MAPC be approved, subject to the recommended conditions, and the Ordinance be placed on first reading. Motion carried 7 to 0.

-- carried

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Section 28.04.210, the Code of the City of Wichita, Kansas, introduced and under the rules laid over. Z-3351

(Agenda Item No. 51)
Z-3352 & CU-563

Z-3352 – ZONE CHANGE FROM “GO” GENERAL OFFICE AND “B” MULTI-FAMILY RESIDENTIAL TO “LC” LIMITED COMMERCIAL; AND CU-563 - CONDITIONAL USE TO ALLOW A CAR WASH WITHIN 200 FEET OF A RESIDENTIAL ZONING DISTRICT LOCATED ON THE NORTHWEST CORNER OF CENTRAL AND OLD MANOR. (District I)

Marvin Krout

Director of Planning reviewed the item.

Agenda Report No. 00-0248.

MAPC Recommendation: Approve, subject to platting within 1 year and conditions (10-2)
Staff Recommendation: Approve, subject to platting within 1 year and conditions.

The applicant is requesting a zone change to “LC” Limited Commercial and a Conditional Use to allow a car wash to be located within 200 feet of a residential zoning district. The application area is a 1.1 acre platted tract located at the northwest corner of Central and Old Manor. The site is currently zoned “GO” General Office and “B” Multi-Family Residential.

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The site is currently developed with six four-plexes, four of which are vacant including one that partially burned in a fire. The site of the two occupied four-plexes is proposed for "LC" Limited Commercial zoning with no use specified other than redevelopment for commercial use. A car wash in "LC" Limited Commercial zoning is proposed for the site of the four vacant four-plexes.

The site plan shows an eight-bay car wash with six self-service bays and two automatic bays without dryers. These wash bays are located 63 feet south of the north property line and 30 feet north of the street right-of-way for Central. The site plan depicts four vacuums located north of the wash bays and two vacuums located both east and west of the wash bays in the parking stalls. There are a total of 16 parking stalls to be used for drying or vacuuming, which are split evenly along the east and west property lines. Two vehicle queue spaces are depicted for the self-service bays, and six vehicle queue spaces are depicted for the automatic bays. The facility would have two access drives to Central. A landscaped buffer with trees every 20 feet is depicted along the north property line. A landscaped street yard with seven trees is depicted along Central and is located primarily in the street right-of-way. A six-foot high concrete wall is depicted along the north and west property lines. A sign is depicted at the southwest corner of the site.

Property to the north of the site is zoned "SF-6" Single Family Residential and is developed with single family residences. Property to the south is zoned "LC" Limited Commercial and is developed with an auto repair shop and a commercial strip center containing a restaurant, a bookstore, and vacant storefronts. Property to the east is zoned "NR" Neighborhood Retail and is developed with four-plexes. Property to the west is zoned "GO" General Office and is developed with four-plexes that have been converted into offices.

Key Unified Zoning Code car wash "supplementary use requirements" include: buildings to be located at least 35 feet from arterials and 20 feet from other street right-of-way; 60 feet from the lot line of any residentially zoned lot, unless the property is being used for a nonresidential use permitted by-right in the underlying district; fencing, a minimum of six feet in height shall be provided along the interior side and rear property line, when adjacent to a dwelling; all area utilized for washing or drying, including ingress and egress, shall be paved; lighting shall comply with lighting standards in the code; no string-type lighting shall be permitted; vehicle queue spaces for four vehicles for self-service bays and three vehicles per 20 lineal feet of wash bay for automatic bays shall be provided; and signage as per the sign code.

As depicted in the site plan, the project fails to comply with several of the supplementary use requirements for car washes. Therefore, planning staff recommends that approval of the Conditional Use be subject to approval of a final site plan by the Director of Planning.

At the meeting held on January 27, 2000, MAPC recommended approval (10-2) of the zone change and the conditional use subject to the following conditions:

- A. The site of the car wash shall be developed and maintained in compliance with all the requirements of Section III-D.6.f of the Unified Zoning Code.
- B. No dryers shall be associated with automatic car wash bays.
- C. The applicant shall submit a landscape plan for approval by the Planning Director, prior to issuance of a building permit, that meets the ordinance's requirements and, additionally, provides for conifer trees planted every 15 feet along the north property line of the car wash as a year-round buffer to residential properties.
- D. The applicant shall submit a revised car wash site plan for approval by the Planning Director, prior to issuance of a Conditional Use, that provides for an additional five feet of contingent street right-of-way for Central; provides a minimum 28 foot building setback from the contingent street right-of-way; locates the sign north of the contingent street right-of-way; locates all vacuums no closer than 35 feet from the north property line; and indicates that the concrete screening wall shall be a dyed red brick pattern, and the car wash façade shall be dyed red concrete. The site shall be developed in general conformance with the approved site plan. All improvements shall be completed before the facility becomes operational.
- E. The applicant shall apply for a Zoning Adjustment to reduce the car wash building setback from Central by a maximum of 20%. The Conditional Use shall be contingent upon approval of this Zoning Adjustment.
- F. If complaints are received by the Office of Central Inspection from neighboring property owners regarding noise from the vacuums, all vacuums on the property shall be retrofitted to the cease operation between 10 p.m. and 7 a.m.
- G. Any violation of the conditions of approval shall declare the Conditional Use null and void.

Marvin Krout

Director of planning stated that the traffic engineer and the Staff look at each of these to make sure that there is adequate queuing. In this case, the queuing will take place from the north to the south from the back of the property and traffic should not stack up on Central.

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Motion --

-- carried

Rogers moved that the City Council concur with MAPC and approve the zone change and the Conditional Use, subject to conditions, and the Planning Department be instructed to forward the Ordinance for first reading when the plat is forwarded to the City Council. Motion carried 7 to 0.

(Agenda Item No. 52)

Z-3353

Z-3353 – ZONE CHANGE FROM “B” MULTI-FAMILY RESIDENTIAL TO “LC” LIMITED COMMERCIAL LOCATED SOUTH OF 13TH STREET NORTH AND EAST OF WACO. (District VI)

Marvin Krout

Director of Planning reviewed the item.

Agenda Report No. 00-0249.

MAPC Recommendation: Approve, subject to platting within 1 year and the additional provisions of a (P-O) Protective Overlay (11-1)
Staff Recommendation: Approve, subject to platting within 1 year and the additional provisions of a (P-O) Protective Overlay.

The applicant requests a zone change from “B” Multi-Family Residential to “LC” Limited Commercial on a 1.62 acre platted tract located south of 13th Street North and east of Waco. The applicant proposes to incorporate the existing commercial corner (developed with a rent-to-own center) with additional properties for redevelopment of the site as a new Walgreen’s drug store. The site proposed for redevelopment is currently developed with several single-family residences, a temporary water line construction storage yard, and several vacant parcels.

The surrounding area is an urban neighborhood located approximately one mile north of downtown that is characterized by a mixture of pedestrian-oriented residential and commercial uses. Property west and north of the site is zoned “LC” Limited Commercial and is developed with a rent-to-own center, a jewelry store, a liquor store, a grocery store, a furniture store, and vehicle repair shops. Property south and east of the site is zoned “B” Multi-Family Residential and is developed primarily with single family residences interspersed with multi-family residential units.

The applicant submitted a preliminary site plan indicating a suburban style of vehicle-oriented commercial development with the parking located in the front and the building located toward the back of the site. The preliminary site plan also indicated a dual drive through window on the south side of the building with one access drive to both 13th Street North and Waco. The applicant is also proposing to vacate the alley located on the site and dedicate a connecting alley running east to Fairview as a part of the platting process.

Due to the urban character and the pedestrian orientation of the neighborhood and the site’s close proximity to two historic districts and the downtown, planning staff recommended that the zone change be approved subject to a Protective Overlay that provides for the Planning Director’s review and approval of a site plan and building elevations. The purpose of this design review would be to develop the site in an urban, pedestrian-oriented style with the building located as close as practicable to the street right-of-way and with parking in back of the building to promote pedestrian access to the building. In combination with this design, Planning staff believed the regulations of the Unified Zoning Code, Landscape Ordinance, and Sign Code would sufficiently limit noise, lighting, and other activity from adversely impacting surrounding residential areas.

At the MAPC hearing held on January 27, 2000, that agent for the applicant stated that the applicant is not willing to develop the site with the “pedestrian orientation” recommended by Planning staff and that if the zone change were approved as recommend by Planning staff, the proposed development of a Walgreen’s would not occur. Instead, the applicant offered a “neighborhood” architectural style consisting of an all brick façade and a gabled entry, but placed on the site in the suburban style with parking in front.

Two individuals spoke against the proposal at the MAPC. Both are owners of a single property immediately south of the site on Fairview. The neighboring property owners expressed concerns regarding: (1) the close proximity of the proposed relocated alley to their residence, (2) noise and visual impacts from the two lane drive through window, and (3) the need for additional screening.

The MAPC considered the neighboring property owners’ concerns, received suggested solutions to those concerns from the applicant, and recommended approval (11-1) of the zone change and subject platting within one year and the following conditions of a Protective Overlay:

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- A. An 8 foot high masonry wall shall be constructed along the south property line west of the existing alley between Waco and Fairview and no less than 20 feet north of the south property line east of the existing alley between Waco and Fairview.
- B. The applicant shall submit a landscape plan for approval by the Planning Director, prior to issuance of a building permit, that meets the ordinance's requirements and, additionally, provides twice the amount of landscaping required by the ordinance south of the masonry wall on the east side of the alley between Waco and Fairview.
- C. The site shall be developed in general conformance with the approved building elevations.
- D. Prior to issuance of a building permit, a site plan shall be submitted for review and approval by the Director of Planning and the Traffic Engineer. The site plan shall indicate the manner in which traffic from the existing alley between Waco and Fairview shall be provided ingress and egress through the site with either an access easement or a dedicated alley north of the required masonry wall. Alternatively, the existing alley between Waco and Fairview shall be vacated between 12th Street North and 13th Street North.
- E. No portable or off-site signs shall be permitted on the zoning lot.

After the hearing, the neighboring property owners and the applicant continued discussions regarding the proposal, and on February 9, 2000 Planning staff hosted a meeting between the two parties at which the neighboring property owners proposed and the applicants accepted some minor modifications to the conditions of the Protective Overlay. These modifications, in summary, are: (1) locate the alley 25 feet north of the property line rather than 20 feet, (2) move the landscape buffer to the north side of the masonry wall, and (3) limit any future sound amplification to the specifications of Walgreen's existing sound amplification system. While it cannot be a condition of the Protective Overlay, the applicant also agreed to deed the land south of the masonry wall to the neighboring property owners.

Based on these changes agreed to by the neighboring property owners and the applicant, Planning staff recommends the following conditions of a Protective Overlay:

- A. An 8 foot high masonry wall shall be constructed along the south property line west of the existing alley between Waco and Fairview and no less than 25 feet north of the south property line east of the existing alley between Waco and Fairview. East of the existing alley the masonry wall shall be constructed south of the relocated alley.
- B. The applicant shall submit a landscape plan for approval by the Planning Director, prior to issuance of a building permit, that meets the ordinance's requirements and, additionally, provides twice the amount of landscaping required by the ordinance north of the masonry wall on the east side of the alley between Waco and Fairview for visual and auditory screening of the building and drive through from the neighboring property to the south.
- C. The site shall be developed in general conformance with the approved building elevations.
- D. Prior to issuance of a building permit, a site plan shall be submitted for review and approval by the Director of Planning and the Traffic Engineer. The site plan shall indicate the manner in which traffic from the existing alley between Waco and Fairview shall be provided ingress and egress through a dedicated alley north of the required masonry wall.
- E. No portable or off-site signs shall be permitted on the zoning lot.
- F. The specifications of the sound amplification system shall be submitted for review and approval by the Director of Planning. No sound amplification system shall exceed the output volume of the approved specifications.

Motion --

Cole moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the recommendation of the MAPC be approved, subject to the recommended conditions, and the Planning Department be instructed to forward the Ordinance for first reading when the plat is forwarded to the City Council Motion carried 7 to 0.

-- carried

Z-3356 & DP 50#3

Z-3356 & DP 50#3 – ZONE CHANGE FROM “LC” LIMITED COMMERCIAL TO GC” GENERAL COMMERCIAL, AND DP-50 AMENDMENT NUMBER 3 - AMENDMENT TO THE WEST 395 FEET OF PARCEL 2 OF THE CARRIAGE HOUSE PLAZA CUP TO ALLOW OUTDOOR VEHICLE AND EQUIPMENT SALES AND WAREHOUSING LOCATED ON THE NORTHEAST CORNER OF TYLER AND MCCORMICK. (District III)

Agenda Report No. 00-0250.

MAPC Recommendation: Approve, subject to conditions (9-0).
Staff Recommendation: Approve, subject to conditions.

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The applicant is requesting an amendment to the west 395 feet of Parcel 2 of the Carriage House Plaza C.U.P. and a zone change to "GC" General Commercial on this same property to allow outdoor vehicle and equipment sales and warehousing on a 3.9 acre platted tract developed as the Crosstown West shopping center, located at the northeast corner of Tyler and McCormick. The applicant is proposing to use the site for an Internet-based business (TheMerc.com) which matches buyers and sellers of second-hand merchandise (including vehicles and equipment) and serves as a broker for the transaction and a drop-off/pick-up point for the merchandise.

The subject property is currently zoned "LC" Limited Commercial and is limited by the Carriage House Plaza C.U.P. to the following uses: shopping center and/or offices, professional personal services, comparison and convenience shopping, and outdoor overnight parking of accessory vehicles. The "GC" General Commercial zoning district requested permits outdoor vehicle and equipment sales and warehousing by right, and the requested amendment to the C.U.P. is needed to add these more intensive uses to the list of permitted uses on Parcel 2.

North of the site is vacant property zoned "NR" Neighborhood Retail and duplexes and apartments on property zoned "TF-3" Two Family Residential and "MF-29" Multi-family Residential. To the east, and part of the Carriage House Plaza C.U.P., is the remainder of the Crosstown West shopping center, Home Depot, and a Davis-Moore vehicle sales lot under construction on property zoned "LC" Limited Commercial and "GC" General Commercial. South of the site is a bank, offices, a liquor store, and a convenience store on property zoned "LC" Limited Commercial and "GC" General Commercial. To the west is a church and single family residences on property zoned "SF-6" Single Family Residential.

The applicant has submitted a site plan showing the proposed changes for the west 395 feet of Parcel 2, that shows a fenced vehicle and equipment sales lot totaling 27,200 square foot located west of an existing building, and a portion of that existing building totaling 45,000 square feet to be used for warehousing, retailing, offices, and a second hand store. Customer and employee parking is located south of the sales lot and the existing building.

To limit the impact of the proposal on surrounding properties, planning staff recommends approving the zone change to "GC" General Commercial and amending the permitted uses to allow outdoor vehicle and equipment sales and warehousing only for that portion of Parcel 2 where the applicant has indicated these activities will be undertaken. Planning staff does not recommend changing the zoning or the permitted uses for that portion of Parcel 2 that the applicant indicates will be used for customer and employee parking. Planning staff also recommends some conditions of approval regarding fencing, signage, landscaping, lighting, noise, and display area to further limit the impact of the proposal on surrounding properties.

The MAPC heard this case on February 10, 2000 and recommended that the requested amendment be approved, subject to conditions. Key conditions include: permitting out-door vehicle sales and warehousing on "GC", General Commercial zoned portions of Parcel 2, submission of a landscape plan, fencing of outdoor sales area shall be wrought iron, signs are restricted to those that are permitted in the "LC", Limited Commercial district and only passenger vehicles may be displayed within 50 feet of the west property line of Parcel 2. No one spoke in opposition.

Motion --

Knight moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the recommendation of the MAPC be approved, subject to the recommended conditions; and the Ordinance be placed on first reading. Motion carried 7 to 0.

-- carried

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Section 28.04.210, the Code of the City of Wichita, Kansas, introduced and under the rules laid over. Z-3356

Z-3355

Z-3355 – ZONE CHANGE FROM "SF-6" SINGLE-FAMILY TO "LC" LIMITED COMMERCIAL LOCATED NORTH OF MAPLE ON THE WEST SIDE OF TYLER. (District V)

Agenda Report No. 00-0251.

MAPC Recommendation: Approve, subject to the additional provisions of a (P-O) Protective Overlay (9-0).
Staff Recommendation: Approve, subject to the additional provisions of a (P-O) Protective Overlay.

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The applicant requests a zone change from the "SF-6" Single-Family Residential District to the "LC" Limited Commercial District for the northern half of a 1.03 acre platted lot located north of Maple on the east side of Tyler. The southern half of this lot is zoned "LC" and is part of the standard 600-foot commercially zoned corners that are present at the perimeter of the City of Wichita. The applicant wants to be able to develop the entire lot with limited commercial uses, instead of just the southern half. The applicant's intention is to develop the site for multiple tenants for use as a plumbing, electrical, and mechanical retail center.

The subject property is bordered by single-family homes on the west, north and east and a mixture of uses on the south. There is a tile and floor store on the same lot and to the south of the subject property, which is zoned "LC" Limited Commercial. All other surrounding property is zoned "SF-6".

The applicant has submitted a proposed site plan that accommodates the addition of retail space for two additional tenants. The existing retail floor supply store and residence will remain on the lot. There are existing trees along the fence-line of the property to the north. The site plan shows a 6-to 8-foot fence on the north property line with landscaping, as required by the City of Wichita Landscape Ordinance, south of the fence. Staff feels that placing the fence on the property line would be detrimental to the existing trees on the site. Instead, staff recommends that the fence be placed 10 feet south of the property line with landscaping north of the fence to create a buffer for the residential property to the north, retaining as many of the existing trees as possible. A landscaping plan would require approval by the Director of Planning. Staff also feels that access along Tyler should be reduced to one access point with a standard 30-foot driveway, preferably at the northern edge of the lot.

The MAPC heard this case on February 10, 2000 and recommended approval, subject to a Protective Overlay. The Protective Overlay limits uses and signage to those uses permitted in the "NR", Neighborhood Residential district, and "construction sales and service." Landscaping and fencing will be required, access to Lot 1 is limited to one opening and additional utility easement shall be granted. No one spoke in opposition to the request.

Motion --

Knight moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the recommendation of the MAPC be approved, subject to the recommended conditions and the additional recommended provisions of a Protective Overlay District; and the Ordinance be placed on first reading.. Motion carried 7 to 0.

-- carried

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Section 28.04.210, the Code of the City of Wichita, Kansas, introduced and under the rules laid over. Z-3355

AIRPORT AGENDA

The City Council is meeting as the Wichita Airport Authority and the members of the governing body are the members of the Wichita Airport Authority for consideration and action on items on this Agenda, pursuant to State law and City ordinance. The meeting of the Authority is deemed called to order at the start of this Agenda and adjourned at the conclusion

Chris Cherches

City Manager stated that all Airport Items could be considered as consensus Items unless the Council desired to withhold other items.

Motion --

Knight moved that the all Airport Agenda Items be approved as consensus Items. Motion carried 7 to 0.

-- carried

AIRPORT PROJECT

AIRPORT CAPITAL IMPROVEMENT PROGRAM PROJECT: UTILITY MODIFICATIONS AND EXTENSIONS.

Agenda Report No. 00-0252.

The 2000 Capital Improvement Program(CIP) provides for the improvement, modification of utilities and extensions to those areas on Mid-Continent Airport where demand for such service is required for development.

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The improvements are necessary to upgrade and extend water, sewer, gas, drainage, electrical, and telephone utilities as appropriate.

The project is estimated to cost \$100,000 which will be funded with General Obligation Bonds.

Motion --
-- carried

Knight moved that the project be approved; the Staff Screening and Selection Committee be authorized to select architects/engineers; the Resolution be adopted; and the necessary signatures be authorized. Motion carried 7 to 0.

RESOLUTION NO. A-00-004

A Resolution declaring that a public necessity exists for, and that the public safety, service and welfare will be advanced by, the authorization of certain capital improvements to the Wichita Mid-Continent Airport Facility; and setting forth the nature of said improvements; the estimated costs thereof; and the manner of payment of same, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

AIRPORT PROJECT

AIRPORT CAPITAL IMPROVEMENT PROGRAM PROJECT: TERMINAL APRON REHABILITATION, PHASE I AND II.

Agenda Report No. 00-0253.

The 1999 Capital Improvement Program (CIP) provides for the rehabilitation of the terminal apron at Mid-Continent Airport. Federal Funding was accepted in 1999 for the first phase of this project. The second half of the funding is expected in 2000.

The rehabilitation will replace a worn and deteriorating pavements.

The project is estimated to cost \$300,000, which will be funded with the AIP grand funds and passenger facility charge funds.

Motion --
-- carried

Knight moved that the project be approved; the Staff Screening and Selection Committee be authorized to select architects/engineers; and the necessary signatures be authorized. Motion carried 7 to 0.

AIRPORT PROJECT

AIRPORT CAPITAL IMPROVEMENT PROGRAM PROJECT: RUNWAY "1R/19L" SHOULDERS/BLAST PADS REHABILITATION.

Agenda Report No. 00-0254.

The 2000 Capital Improvement Program (CIP) provides for the rehabilitation of Runway "1R/19L" shoulders and blast pad at the Mid-Continent Airport.

The rehabilitation is necessary to reduce pavement deterioration.

The project is estimated to cost \$4125,000, which will be funded with AIP grand funds and passenger facility charge funds.

Motion --
-- carried

Knight moved that the project be approved; the Staff Screening and Selection Committee be authorized to select architects/engineers; and the necessary signatures be authorized. Motion carried 7 to 0.

AIRPORT PROJECT

AIRPORT CAPITAL IMPROVEMENT PROGRAM PROJECT: STREET SIDE PAVEMENT REHABILITATION.

Agenda Report No. 00-0255.

The 2000 Capital Improvement Program (CIP) provides for the rehabilitation of street side pavement at Wichita Mid-Continent Airport.

In order to address worn and deteriorated pavement, several areas of pavement on airport property have been identified as needing rehabilitation.

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The project is estimated to cost \$150,000 which will be funded with General Obligation Bonds.

Motion --
-- carried

Knight moved that the project be approved; the Staff Screening and Selection Committee be authorized to select architects/engineers; the Resolution be adopted; and the necessary signatures be authorized. Motion carried 7 to 0.

RESOLUTION NO. A-00-005

A Resolution declaring that a public necessity exists for, and that the public safety, service and welfare will be advanced by, the authorization of certain capital improvements to the Wichita Mid-Continent Airport Facility; and setting forth the nature of said improvements; the estimated costs thereof; and the manner of payment of same, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

AIRPORT

CHANGE ORDER - ELECTRICAL DISTRIBUTION SYSTEM IMPROVEMENTS, PHASE III.

Agenda Report No. 00-0256.

This project consists of replacing the last portion of the primary electrical service on the airfield. The Airport Authority approved the project in July, 1999. During construction, it was determined that additional costs will be incurred to remove and dispose of three transformers and various other pieces of equipment.

A change order has been prepared that authorizes the additional work. Funding is available within the project budget.

The total cost of the additional work is \$17,500. The funding source is a combination of General Obligation Bonds and Passenger Facility Charges.

The Change Order amount is within the 25% of the construction Contract cost limit set by the City Council policy.

Motion -- carried

Knight moved that the change order be approved and the necessary signatures be authorized. Motion carried 7 to 0.

PLANS AND SPECS.

PLANS AND SPECIFICATIONS:

- a. Air Carrier Apron East, reconstruction, Wichita Mid-Continent Airport (500702 & 500703/459199) Wichita Airport Authority approval date March 15, 1999.

Motion --
-- carried

Knight moved that the Plans and Specifications be approved and advertised for bids to be submitted to the Board of Bids and Contracts by 10:00 a.m. April 7, 2000. Motion carried 7 to 0.

End of Airport Agenda.

EXECUTIVE SESSION

Motion --

-- carried

Knight moved that the City Council recess to executive session to consider consultation with legal counsel on matters privileged in the attorney-client relationship relating to pending and potential litigation; legal advice; preliminary discussion relating to the acquisition of real property for public purposes; and confidential data relating to the financial affairs or trade secrets of a business; and that the Council return at approximately 1:10 p.m. Motion carried 7 to 0.

RECESS

The City Council recessed at 11:15 a.m. and reconvened at 1:10 p.m.

Mayor Knight

Mayor Knight announced that no action was necessary as a result of the executive session.

RECESS

Motion -- carried

Knight moved that City Council recess until 7:00 p.m. Motion carried 7 to 0.

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Patsy Ellis
Deputy City Clerk

Wichita, Kansas, March 7, 2000
Tuesday, 7:02 p.m.

The City Council met in recessed session at the Machinists Union Hall, 3830 S. Meridian Avenue, 7:00 p.m. Vice Mayor Rogers in the Chair. Council Members Cole, Gale, Lambke, Martz, Pisciotte, Rogers; present. Mayor Knight absent.

Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; Pat Burnett, City Clerk; present

A 99-31

A 99-31 - PUBLIC HEARING - THE CITY OF WICHITA SEEKS ANNEXATION OF ELIGIBLE PROPERTIES GENERALLY LOCATED SOUTH OF 55TH STREET SOUTH, WEST OF SENECA TO EAST OF HILLSIDE. (Districts III and IV)

Marvin Krout

Director of Planning reviewed the Item.

Agenda Report No. 00-0201.

On January 4, 2000, the City Council adopted a resolution that established March 7, 2000, at 7:00 p.m. at the Machinists Union Hall, 3830 S. Meridian Avenue, Wichita, Kansas as the date, time and place for a public hearing for this annexation. The properties proposed for annexation are located south of 55th Street South, from west of Seneca to east of Hillside.

The subject area consists of approximately 1,386 acres and 1,206 properties (1,146 are platted and 60 are unplatted). The land-use pattern consists of 980 residential tracts, 35 commercial tracts, 111 farm-related tracts, 74 vacant tracts, and six (6) exempt tracts. The majority of the area is zoned "SF-20" Single-Family Residential and "RR" Single Family Residential, with several small areas zoned "LC" Limited Commercial, "GC" General Commercial and "LI" Limited Industrial. Those areas zoned "SF-20" will convert to the "SF-6" Single-Family Residential district upon annexation ("SF-10" if requested by property owner), while other properties will retain their existing zoning.

An informational meeting regarding the proposed annexation was held on February 8, 2000 at the Machinists Union Hall, 3830 S. Meridian Avenue. Approximately 180 property owners and interested citizens attended the meeting and asked numerous questions regarding the proposed annexation.

In accordance with Kansas statutes, a Service Extension Plan was prepared for this unilateral. The Plan describes the means by which City services will be extended to the area. Map No. 2 in the Plan shows the properties proposed for annexation. The analysis of the proposed annexation is contained in the plan.

The total appraised value of the land and improvements proposed for annexation is \$41,978,920 resulting in an annual City Ad Valorem tax revenue of approximately \$156,752.

Major municipal services to be provided to this area upon annexation are street maintenance, ditch cleaning, culvert cleaning, fire protection, police protection, building code enforcement, and health code enforcement. The operating departments currently delivering these services will fund them upon annexation. Major municipal services, such as local street improvements, water and sewer service, may be provided to this area upon request of the property owners. The cost of municipal services requested by the property owners will be distributed among the City at large and the benefiting property owners according to current City policies.

The Service Extension Plan has been on file for public inspection in the Office of the City Clerk. Copies of the resolution establishing the public hearing, a map (showing the properties included) and a notice of the public hearing, were sent by certified mail to all property owners of record in the proposed annexation area and to other established governmental entities and utility services. Copies of the resolution and map have also been published in the official City newspaper as further notification of the scheduled public hearing.

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The Metropolitan Area Planning Commission reviewed the proposed annexation for compatibility with the Comprehensive Plan on January 27, 2000. The staff report presented at the MAPC meeting indicated that the proposed annexation was in conformance with the Comprehensive Plan. The MAPC found the proposed annexation in conformance with the Comprehensive Plan by a unanimous vote (11-0).

In conducting the public hearing, Kansas statutes require that the City's plan for extending major municipal services be presented and that all persons interested in the annexation be heard. After hearing all comments of the persons interested, the City Council has the option of continuing or closing the public hearing, and approving or rejecting the annexation proposal.

Vice Mayor Rogers	Vice Mayor Rogers inquired whether anyone wished to be heard.
Lloyd Folger	Lloyd Folger, 417 East 56th South, spoke against annexation and said the City would not provide services equal to those now provided by the Township.
Harold Swan	Harold Swan 5935 South Seneca, had questions regarding areas excluded from this annexation hearing and assessments water mains.
Annette McDonald	Annette McDonald, 718 East Wayne, spoke against annexation and said she did not think maintenance of streets and safety services would remain at the same level.
Mary O'Neil	Mary O'Neil, 5600 South St. Francis, said she would like water, sewers, and gutter service but could not afford the cost. The cost of all assessments should be known before a project is petitioned. Ms. O'Neil posed questions about property for park use south of 71st along the river, Police and Fire response time, water line assessments, and annexation areas on the map.
Randy McCleave	Randy McCleave, 6525 South Madison, asked how long names could be withdrawn from petitions for service.
Doug Moshier	Senior Assistant City Attorney explained that names cannot be withdrawn from a sufficient petition after filing with the City Clerk.
Wayne P. Hancock	Wayne P. Hancock, 418 West 59th South, said he wants water and is in favor of the annexation. Mr. Hancock said many residents of the area may be in violation of City of Wichita regulations. There are many tree limbs in the area that still need to be burned or hauled off - too many to be taken care of by completion of the annexation process.
Marvin Krout	Director of Planning explained that all City departments would try to work with the property owners.
M. Mayfield	M. Mayfield, Van Dale, spoke against annexation and spoke in favor of annexation by Haysville. Questions were also asked regarding fire stations and fire service, sufficiency of petitions, franchise fees, and drainage in the ditches in the area.
Bill Earlywine	Bill Earlywine, 618 East 58th, spoke against annexation and said the Township has a lot of equipment and the annexation will cause the Township to collapse.
Walt Strawder	Walt Strawder, 7059 South Green, spoke against annexation and said water and sewer service will be a burden for people on fixed incomes.
Pam Doffing	Pam Doffing, 5919 Jones, spoke in favor of annexation. Ms. Doffing said she wants to see improvement in the area and annexation will allow improvements. Health codes and regulations will be better enforced. The City of Wichita code is more defined and there is more authority for enforcement. Water service is needed in the area. Appliances will not need to be replaced as often when better water is received.
Ann Merritt	Ann Merritt, 2209 East Mona Lane, representing the South Area Neighborhood Association (SANA), spoke regarding water well contamination, drainage problems, fire districts, parks with walking trails and bike paths, and libraries. Ms. Merritt requested a scheduled plan listing what the City will do after annexation.

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Jim McInteer

Jim McInteer, Attorney representing the Riverside Township and Riverside Well Water Association, said the Riverside Township Board has no opposition to annexation and hopes to work with the City of Wichita.

The Riverside Township will not be affected by the annexation. The community building will remain held by Riverside. Riverside will continue to maintain and complete the street overlay for Van Dale, Clarksdale, and Sunview streets.

The Township would like to coordinate the street maintenance and completion with the laying of water mains, via an intergovernmental agreement, before the annexation is formalized.

Four petitions have been submitted to the City of Wichita for water service. Two water petitions are still being circulated for the Vandale and Midland areas.

Darcine Baker

Darcine Baker spoke in opposition to annexation and in favor of retention of livestock and the Township.

Debbie Knifely

Debbie Knifely, 605 West 55th South, spoke against annexation. Mrs. Knifely said she wanted to teach her children through farm animals. Annexation just means more headaches.

Robert Knifely

Robert Knifely, 605 West 55th South, said City and County regulations are different regarding animals.

Jack Brown

Environmental Health explained that evaluations would be made on a case-by-case basis.

David Bomaker

David Bomaker, 5848 South Minnie, spoke against annexation and posed questions regarding water contamination, disposal wells, landfill annexation, and Riverside Township equipment.

Council Member Lambke

Council Member Lambke said Seneca, Broadway, and Hydraulic improvements are scheduled and will be done. These are arterials and are paid for by the City at-large. Annexation areas join in paying for arterials.

Council Member Lambke spoke regarding water assessments and will work with the Law Department regarding fair assessments.

Council Member Gale

Council Member Gale said there are always some who are for and some who are against any issue which makes government seem to be divisive.

Fire Departments and libraries will happen in the next couple of years.

Neighborhoods are coming together. It is encouraging that this area is also close.

Motion --

-- carried

Pisciotte moved that the Public Hearing be closed; the annexation request be approved and the Ordinance be placed on first reading. Motion carried 6 to 0. (Knight absent)

ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, introduced and under the rules laid over. (A 99-31)

ADJOURNMENT

The City Council meeting adjourned at 8:55 p.m.

Pat Burnett CMC
City Clerk